



FRANKLIN TOWN COUNCIL

January 18, 2017

7:00 PM

A. APPROVAL OF MINUTES – *December 7, 2016, December 21, 2016, January 4, 2017*

B. ANNOUNCEMENTS –

1. *This meeting is being recorded by Franklin TV and shown on Comcast channel 11 and Verizon channel 29. This meeting may also be recorded by others.*

C. PROCLAMATIONS/RECOGNITIONS – *Swearing in of Fire Fighters*

D. CITIZEN COMMENTS – *Citizens are welcome to express their views for up to five 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.*

E. APPOINTMENTS – *Finance Committee*

F. HEARINGS -

G. LICENSE TRANSACTIONS – *99 Restaurant, Change of Manager - 7:10 PM*

H. PRESENTATIONS/DISCUSSIONS - *Communications & Civic Engagement*

I. SUBCOMMITTEE REPORTS

J. LEGISLATION FOR ACTION

1. *Resolution 17-01: Acceptance of Gift to the Library (majority)*
2. *Resolution 17-02: Acceptance of Gift to the Council on Aging (majority)*
3. *Resolution 17-03: Appropriation, Administration: GASB 45/75 Actuary Study (majority)*
4. *Zoning Bylaw Amendment 16-775: Zoning Map Changes from Rural Residential I to Residential VII an Area on Summer Street – 2nd Reading (2/3 majority - Roll Call Vote)*

K. TOWN ADMINISTRATOR'S REPORT

L. FUTURE AGENDA ITEMS

M. COUNCIL COMMENTS

N. EXECUTIVE SESSION

O. ADJOURN

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
December 7, 2016**

A meeting of the Town Council was held on Wednesday, December 7, 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 in honor of the 75th anniversary of Pearl Harbor and the Pledge of Allegiance.

APPROVAL OF MINUTES: ► *November 16, 2016.* **MOTION to Approve** the November 16, 2016 meeting minutes by Mercer. **SECOND** by Padula. **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.

PROCLAMATIONS/RECOGNITIONS: ► *Swearing in of Police Officers.* ■ Police Chief Thomas Lynch thanked the Town Council and Town Administrator for allowing him the opportunity to recognize two new hires. He provided background and career information for John F. Flynn and Tara E. Souza. ■ Teresa Burr, Town Clerk, performed the swearing in of John Flynn, Patrol, and Tara Souza, Patrol.

Chairman Kelly called a two-minute recess.

► **Recognition.** ■ Police Chief Thomas Lynch provided information about an occurrence during the past week. Officer Marguerite responded to a call from parents whose daughter had a concussion; they were experiencing noise from landscapers with leaf blowers. There was no violation, but Officer Marguerite did not want the noise to continue to bother the family, so he asked the landscapers to use the leaf blowers on the other side of the building while he raked by hand the leaves closest to the family's home. This story appeared on the news and on Facebook. This shows the great job done by Officer Marguerite.

► **Proclamation for David Harrison Down.** ■ Mr. Andrew Bissanti, Town Council member, presented Jason Down and his mother, Marjorie Down, a proclamation on behalf of David Harrison Down. Mr. David Down served in the U.S. Navy, served his community, demonstrated civic responsibility, was an active member of the Episcopal church, and a member of the American Legion and National Wildlife Association. He is commended for a life well-lived and recognized by the Town Council of the Town of Franklin. ■ Mr. Jason Down thanked the Town Council for their recognition of his father.

CITIZEN COMMENTS: *None.*

APPOINTMENTS: *None.*

HEARINGS: ► **Tax Classification Hearing.** **MOTION to Open** the public hearing by Jones. **SECOND** by Dellorco. **No Discussion. No Vote Taken.** ■ Mr. Nutting stated the Board of Assessors is present and will provide a presentation of the tax classification. ■ Ken Norman, Chairman, Board of Assessors, Chris Feeley, Board of Assessors member, and Kevin Doyle, Director of Assessing, addressed the Town Council. Mr. Norman stated all Council members received informational documents and information is also online for citizens to view. If the Town Council accepts the single tax rate the taxes for the Town will go up \$.08 to \$14.58. ■ No Council members or citizens had questions or comments. ■ Mr.

Nutting stated if this were to pass the average tax bill would be \$6,004; the average value is \$411,800. He stated this is a 3.5 percent increase from last year. He noted that this is an average and every home is different. **MOTION to Close** the public hearing by Vallee. **SECOND** by Mercer. ► **VOTE: Yes-9, No-0.** ■Mr. Nutting stated there are four resolutions to be voted on. ■Chairman Kelly suggested moving the resolutions up on the agenda; Council members agreed.

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

1. **Resolution 16-67: Classification Tax Allocation – Residential Factor.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-67 for Classification Tax Allocation – to set the Residential Factor at 1.000000 by Mercer. **SECOND** by Jones. **Discussion:** ■Mr. Nutting stated this has a long history and tradition in Franklin. ► **VOTE: Yes-9, No-0.**
2. **Resolution 16-68: Classification Tax Allocation – Open Space Exemption.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-68 for Classification Tax Allocation – that there not be an exemption for Open Space by Mercer. **SECOND** by Dellorco. **Discussion:** ■Mr. Nutting stated traditionally the Town Council has voted on the next three resolutions not to do that because it shifts the tax burden to other folks. He stated the Board of Assessors recommends this as well. ► **VOTE: Yes-9, No-0.**
3. **Resolution 16-69: Classification Tax Allocation – Small Business Exemption.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-69 for Classification Tax Allocation – that there not be an exemption for Small Businesses by Mercer. **SECOND** by Dellorco. **Discussion:** ■Mr. Nutting stated he had the same comment. ■Mr. Feeley stated they agreed the burden should not be shifted. ► **VOTE: Yes-9, No-0.**
4. **Resolution 16-70: Classification Tax Allocation – Residential Property Exemption.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-70 for Classification Tax Allocation – that there not be an exemption for Residential Property by Mercer. **SECOND** by Dellorco. **No Discussion.** ► **VOTE: Yes-9, No-0.**

LICENSE TRANSACTIONS: ► **2017 Annual Alcoholic Beverages Licenses Renewals.** ■Mr. Nutting stated this is not a public hearing; it is just administrative. ■Ms. Pfeffer read the list of all 2017 Annual Alcohol License Renewals and the license renewals currently on hold. All establishments have been inspected. It is noted the establishments that have not passed Fire or Building or Board of Health inspections and those that owe funds to the town. **MOTION to Approve** the renewal of the alcoholic beverages licenses listed on the attached Renewal List for the year 2017. Licenses that have fees or inspections outstanding to the Town are to be held in the Town Administrator's Office until outstanding items are corrected by Pfeffer. **SECOND** by Mercer. **Discussion:** ■Mr. Jones confirmed that an establishment's current license is effective through the 31st. They have until the end of the month to clean up whatever the hold is for. ■Mr. Cerel stated the license must be physically displayed on the premises. ■Mr. Nutting, in response to Council members' questions, stated that most establishments come in and pay before the end of the year. If not, there would be a formal process before a business could lose their license. He noted this is not an unusual number of holds. ■Mr. Cerel stated if a license were rescinded it would then become available. ► **VOTE: Yes-9, No-0.**

PRESENTATIONS/DISCUSSIONS: ► **Franklin Advisory Committee.** ■Larry Benedetto, Chairman Franklin Advisory Committee; Jeffrey Roy, Massachusetts State Representative; and Robert Ficco, Former Massachusetts State Representative, addressed the Town Council to provide an update of Franklin's historic properties and The T. Mr. Benedetto stated he had a conversation with Mr. Nutting about the significant expense if and when they start taking better care of the town's historic properties. He

discussed the church that has been boarded up for five to six years; it is a significant property as is the Brick School. He stated that unless there are specific uses and revenue stream it will be difficult to do what they would like to do. The Advisory Committee would like to work with the Town Council to come up with ideas and suggestions for historical preservation and include Representative Roy to see if there are some historical grants available. Regarding the train station, apparently, there is grant money out there. He stated he thinks it is essential to go to the top, the governor's office. There is a significant T-budget for maintenance and repair and would like to see the T-station restored to what it was. He noted how difficult it is to deal with the T-people. He stated the property at Rt. 140/Rt. 495 should come back to the Town of Franklin; this should be discussed in the near future. ■Rep. Roy spoke about the T-station. He has had three meetings over the last month with Keolis; they have talked about the future of the train station. He is looking to the Town Council for direction on how they would like to proceed and use the land and restoration. He discussed various ideas about the train station development and gave example of how Falmouth is working on their train station. He noted that any work to be done requires ADA compliance; the current building is not ADA compliant and the current stairs would require an elevator. He said folks from The T could come in and talk with the Town Council. He mentioned the possibility of a double rail and the town taking over the space with a public/private partnership. He said he would set up a meeting. ■Mr. Nutting stated that as soon as more than 30 percent of the value of a building is spent, ADA compliance kicks in. He suggested that meeting with The T to hear their issues and concerns would be a great way to start. ■Mr. Ficco suggested the Town Council should decide what they want and then shoot for the moon; there is money for certain projects. ■Town Council members asked questions and discussed items regarding ADA compliance, fixing the existing line, a double track, ridership on the Franklin line, how the Falmouth Economic Development Corporation works, the 180 current parking spots, and the need for a parking garage. ■Chairman Kelly requested Rep. Roy set up a meeting with the T-people and another meeting with MassDOT regarding the Rt. 140/Rt. 495 property.

SUBCOMMITTEE REPORTS: *None.*

LEGISLATION FOR ACTION (*continued*):

5. **Resolution 16-58: Request for Legislation – Exempting all Positions in the Fire Department from Civil Service Law – Remove from Table.** MOTION to Remove from Table by Jones. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0. Ms. Pfeffer read the resolution. MOTION to Move Resolution 16-58 for Request for Legislation – Exempting all Positions in the Fire Department from Civil Service Law by Mercer. SECOND by Dellorco. Discussion: ■Mr. Nutting stated this is not a new issue; it is time to make a decision. We have had ongoing discussions with the Union; we are not in agreement on this matter. However, we do maintain a good working relationship with them. ■Gary McCarraher, Fire Chief, addressed the Town Council regarding Civil Service hiring and promotions. He stated the process can be made quicker. Civil Service has gotten the town great people. They need to continue to get great people, but it needs to be done in a timelier fashion; that is why he supports this. It is time to move on from this system and go to a system that is more timely in regards to hiring and promotions. ■Chuck Allen, president of the Franklin Firefighters Association, Franklin firefighter for 17 years, and Franklin resident addressed the Town Council. He stated the fire department as a whole from the Union side does not agree with leaving the Civil Service; they feel it is the fairest system. They have negotiated a replacement mechanism for the promotion side, but it does not fix the hiring side and would make it more difficult. Civil Service does a better job than what it could be replaced with. ■Mr. Nutting stated this is a policy decision. It takes months to get people hired. He and Chief McCarraher have looked at this together and listened to what the firefighters had to say. He thinks hiring can be addressed in a fair and equitable way and make the process faster. Current Civil Service list would be honored. Have had Civil Service in fire department since approximately 1950. ■Town Council members asked questions and discussed the Civil Service process. ■Mr. Dellorco stated he supports Civil Service. He does not understand why it takes so long

to hire people. He called other towns and it does not take them so long. Where is Civil Service being at fault? There is no other town with Franklin's population that is out of Civil Service. He noted Fall River came out of Civil Service two years ago and then went back. He stated he has a signed petition from all the firefighters and they want to keep Civil Service. ■Mr. Nutting stated the new test would still be paid for by the applicant; the promotional exams would be paid for by the town. The new plan would provide more opportunities to get applicants than just the Civil Service list. ■Chief McCarragher said there are six current openings. This would provide a better way for hiring and promotions. They are trying to reduce the time to get new hires in the door. ■Ms. Pfeffer stated she supports Civil Service. ■Mr. Jones suggested further discussion with administration and unions. ■Mr. Bissanti stated that if the firefighters want to keep it, they should be kept happy as they are first responders. ■Mr. Padula said both sides make compelling arguments. His decision will be based on significant vetting. ■Mr. Mercer stated he has gone back and forth and is trying to look at the larger picture; it is a difficult decision. He noted many groups in the town have moved away from Civil Service since it began in 1950 and there have been no issues. ■Chairman Kelly said he has met with everyone about this and they need to put this issue to rest. He clarified that a Yes vote would send a petition to the legislature that would then take up the matter. A No vote would leave it as it is currently. ► **ROLL CALL VOTE:** Bissanti-NO; Dellorco-NO; Jones-NO; Kelly-YES; Mercer-YES; Padula-NO; Pellegrino-NO; Pfeffer-NO; Vallee-YES. ► **VOTE: Yes-3, No-6, Absent-0.** ■Mr. Nutting thanked the men and women of the fire department; many thank you notes have been received for the great work they do in town.

6. **Resolution 16-71: 2017 Schedule of Town Council Meetings.** ■Chairman Kelly requested a date change from March 15th to March 22nd. Ms. Pfeffer read the resolution. ►Mr. Padula stated he had a conflict with September 27th; September 20th was suggested. **MOTION to Move Resolution 16-71, 2017 Schedule of Town Council Meetings as amended by Mercer. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0.**
7. **Resolution 16-72: Legal Notices.** Ms. Pfeffer read the resolution. **MOTION to Move Resolution 16-72 Legal Notices by Mercer. SECOND by Padula. Discussion:** ■Mr. Nutting stated it is a legal requirement and it is the only paper that we have. By law it must be done this way. He noted the town pays approximately \$30,000 per year to the Milford News for all the legal notices. ► **VOTE: Yes-9, No-0.**
8. **Resolution 16-73: Acceptance of Grant of Utility (Drainage) Easement on Property at 9 Mackintosh Street, Franklin.** Ms. Pfeffer read the resolution. **MOTION to Move Resolution 16-73 for Acceptance of Grant of Utility (Drainage) Easement on Property at 9 Mackintosh Street, Franklin by Jones. SECOND by Dellorco. Discussion:** ■Mr. Cerel requested a typographical error in paragraph two line five be corrected from "(Sewer)" to "(Drainage)." **MOTION to Move Resolution 16-73 for Acceptance of Grant of Utility (Drainage) Easement on Property at 9 Mackintosh Street, Franklin as amended by Jones. SECOND by Dellorco. Discussion:** Mr. Nutting stated the town had put in a pipe on private property and did not get an easement; this will allow an easement. The pipe has failed and this allows the town the right to go on the property to fix it. He noted the land owners agree to this. ► **VOTE: Yes-9, No-0.**
9. **Resolution 16-74: Declaration as surplus and available for Disposition (Ground Leasing) and Authorization Therefore of a Portion of Town-Owned Land off Forge Hill Road.** **MOTION to Waive the reading by Jones. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0.** **MOTION to Move Resolution 16-74 for Declaration as surplus and available for Disposition (Ground Leasing) and Authorization Therefore of a Portion of Town-Owned Land off Forge Hill Road by Mercer. SECOND by Padula. Discussion:** ■Mr. Nutting stated this would allow Franklin Cable to put their radio antenna abutting or next the Forge Hill water tank that we own and enter a 30-

year lease to do that. The win for the town is that we will be able to relocate our police and fire antennas from American Tower which we pay \$12,000 per year and put it on Franklin Cable's tower for free. It requires 2/3 vote. ■Mr. Jones stated that on behalf of the Communications liaison position he has, it is a win-win for the town. Franklin TV is looking forward to opening their first radio station, 102.9. ► **VOTE: Yes-9, No-0.**

10. Resolution 16-76: Appropriation – Technology – Google Applications. Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-76 for Appropriation – Technology – Google Applications for \$45,000 by **Mercer. SECOND** by **Padula. Discussion:** ■Mr. Hellen stated this is for the purchase of licensing and consulting for migration of all Town staff from First Class email to Google. The goal is to get Town, Police and Schools to Gmail by July 2017. This will also enhance public records compliance. Town Council members will also receive Gmail accounts. ► **VOTE: Yes-9, No-0.**

11. Resolution 16-77: Appropriation – Turf Field Design & Development. Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-77 for Appropriation – Turf Field Design & Development for \$60,000 by **Mercer. SECOND** by **Padula. Discussion:** ■Mr. Nutting stated a few weeks ago there was a meeting to discuss moving ahead with designing the replacement of the field at Beaver Pond Recreation Area field and the field and track at the high school which are 12 to 13 years old. The intent of meeting was to determine materials that could be used for infield. He stated they would like money now to start the bid process and be ready when school gets out to get fields done over the summer. ■Ms. Kim Drake of CDM Smith addressed the Town Council with a slide show and stated the fields do need to be replaced due to the shape they are in. She presented an overview of the replacement process to remove, regrade and install the new turf. CDM Smith is recommending encapsulated SBR rubber. She responded to Town Council members' questions. This is relatively new material, about four to five years. The life expectancy is similar; fields usually last about 8 to 10 years. She thought the underlayment of the high school fields was in good shape; it may need a leveling layer after the top is ground off. There are many alternatives which range in price such as sand based and other fibers, but beyond rubber materials some require refilling or irrigation and are costlier; therefore, she recommended the coated rubber. ■Mr. Brutus Cantoreggi, Director of Public Works, stated that this material requires the same maintenance plan as current; therefore, he would not need to ask for more money for long-term care. ■Mr. Nutting stated the town has been planning and saving and has up to \$870,000; this is about three-quarters of the cost and will continue to put money aside as ten years goes by quickly. He noted they have a third field now to maintain and plan for which is only two years behind these. In response to Ms. Pfeffer remarks, he noted the resolution should be amended to state both the High School Turf and Track and Beaver Street fields. **MOTION to Amend** Resolution 16-77 for Appropriation – Turf Field Design & Development for \$60,000 to include wording High School Turf and Track and Beaver Street fields by **Jones. SECOND** by **Dellorco. No Discussion.** ► **VOTE (to amend wording): Yes-9, No-0. MOTION to Move** Resolution 16-77 As Amended for Appropriation – Turf Field Design & Development for \$60,000 by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0.**

12. Resolution 16-78: Appropriation – Technology – E Permitting. Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-78 for Appropriation – Technology – E Permitting for \$35,000 by **Mercer. SECOND** by **Dellorco. Discussion:** ■Mr. Hellen stated the request for \$35,000 is to begin implementation of E-permitting software pilot project with the Town Clerk's Office for dog licensing, DBA's and vitals. Would like this to be up and running in January. ► **VOTE: Yes-9, No-0.**

13. Resolution 16-79: Acceptance of Gift – Council on Aging. Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-79 for Acceptance of Gift – Council on Aging by **Mercer.**

SECOND by Padula. **Discussion:** ■Mr. Hellen stated this is for acceptance of a \$250.00 gift.
▶ **VOTE: Yes-9, No-0.**

14. Bylaw Amendment 16-778: Chapter 160, Taxpayers, Delinquent – 1st Reading (Motion to Move Bylaw Amendment 16-778 to a 2nd Reading (majority)). **MOTION to Waive the reading by Pfeffer. SECOND by Dellorco. No Discussion.** ▶ **VOTE: Yes-9, No-0, Absent-0.** **MOTION to Move Bylaw Amendment 16-778: Chapter 160, Taxpayers, Delinquent to a 2nd Reading by Mercer. SECOND by Dellorco. Discussion:** ■Mr. Nutting stated this was brought forth by the treasurer. ■Mr. Jim Dacey, Treasurer-Collector, addressed the Town Council and stated the Municipal Modernization Act expanded collection remedies for tax collectors. Chapter 40, section 57 was amended; as a result, the Town has to amend Chapter 160 to include the changes. ▶ **VOTE: Yes-9, No-0.**

TOWN ADMINISTRATOR'S REPORT: None.

FUTURE AGENDA ITEMS: ▶ Mr. Jones asked about the private well water ban use. ▶ Mr. Nutting stated he was going to ask the Chairman that it be put on the next agenda. ▶ Chairman Kelly said it would be on for the second meeting in January. ▶ Ms. Pfeffer stated there used to be a joint workshop with the Town Planning Department, the Town Planning Board, and the Town Council. Perhaps it could be done after the first of the year. ▶ Mr. Vallee asked if the train station could be put on an agenda for discussion. ▶ Chairman Kelly suggested it be put on for the second meeting in January.

COUNCIL COMMENTS: ▶ Ms. Pellegri reiterated the good work done by Officer Marguerite. ▶ Mr. Padula and Mr. Dellorco both stated this is the good person Officer Marguerite is. ▶ Mr. Bissanti invited everyone to come and see the play *Humbug*. ▶ Ms. Pfeffer questioned if sand was used during snowstorms and if snow would be dumped at Fletcher Field. ▶ Mr. Nutting stated salt is used. The plan is that the snow will go to Washington Street. He said he would double check with DPW to make sure there is no water or water resource district there.

EXECUTIVE SESSION: None.

ADJOURN: MOTION to Adjourn by Mercer. SECOND by Dellorco. No Discussion. ▶ **VOTE: Yes-9, No-0. Meeting adjourned at 9:12 PM.**

Respectfully submitted,

Judith Lizardi
Recording Secretary

**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 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.

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 McCarragher 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; Pellegrini-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

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
January 4, 2017**

A meeting of the Town Council was held on Wednesday, January 4, 2017 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Glenn Jones, Matthew Kelly, Thomas Mercer, Peter Padula, Deborah Pellegrini, Judith Pond Pfeffer, Robert Vallee. Councilors absent: Robert Dellorco. 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: *None.*

CITIZEN COMMENTS: *None.*

APPOINTMENTS: *None.*

HEARINGS: *None.*

LICENSE TRANSACTIONS: *None.*

PRESENTATIONS/DISCUSSIONS: ► *Discussion on Joint Town Council/Planning Board Meetings.*

■ Mr. Nutting stated the Councilors had asked for a discussion of whether to have joint public hearings with the Planning Board. If Town Council agrees and wants this to go forward, he will then schedule to have Planning Board present to discuss. Some logistics to consider include: currently public has multiple opportunities to weigh in on proposed zoning changes or permitting matters, whereas combined hearings provide fewer opportunities; who would chair the meetings; would it be a separate or combined vote; and other procedural issues. ■ Ms. Pellegrini stated she had asked for this to be put on the agenda because she remembered in past years that it was done. She thinks it would be very helpful. She stated she spoke with the Planning Board chairman and he thought it was a good idea. ■ Ms. Pfeffer stated she was not in favor of the joint meetings. She thought it would be better for the public to be able to attend separate Planning Board and Town Council meetings. The logistics of 14 people sitting at the table would be a problem. She suggested a vote tonight. ■ Mr. Bissanti stated he would like everyone to review the memorandum from Attorney Mark Cerel which seems to indicate that although it is legal, from a pragmatic, procedural and logistical view, Mr. Cerel does not think it is prudent. He stated, therefore, he agrees with the current practice of holding separate meetings. ■ Mr. Padula stated he agreed with Ms. Pfeffer that separate meetings give people more bites of the apple. ■ Mr. Vallee suggested the strategic plan workshop with different departments may serve this function. ■ Chairman Kelly stated he read the memorandums from Mr. Nutting and Mr. Cerel and agrees. ■ Ms. Pellegrini stated she would change her vote; she only wanted this if others thought it would be helpful. ■ Mr. Cerel noted that Town Council and Planning Board serve different functions in a statutorily mandated process. ■ Mr. Jones stated with separate meetings it keeps the politics out of it. ■ Chairman Kelly stated they will not be moving forward on this.

► **Master Plan Update.** ■ Mr. Nutting stated every year the Town Council is updated on the 2013 Master Plan progress. Highlights included: under the management study of DelCarte the first phase of the weed removal will be done; in process of building sidewalks on Pleasant and Chestnut Streets; continue to acquire open space; continue to develop recreation; continue to work on economic development; the Pond Street sale was done. The message is that the Town Council and the community continue to strive to fulfill the goals of the Master Plan when available and appropriate, and will continue to do so. ■ Ms. Pfeffer asked for definition of “compact neighborhood district.” ■ Mr. Bryan Taberner, Director of Planning and Community Development, stated it is basically a designation by the State where the Town specifies certain parcels for denser development than already have. The areas that they were thinking about for this have already been rezoned. He stated workforce housing is something that is more affordable than for instance a \$600,000 average house being built. ■ Ms. Pfeffer suggested a discussion item regarding that since the town is only at 9.35% affordable housing, maybe the town should pick out the areas where 40Bs go rather than having someone from the outside come in and tell the town where they are going to put one. ■ Mr. Bissanti stated that the term workforce housing caught a lot of heat, but he thinks it still holds true and can still be done; probably anything under \$500,000 can qualify as workforce housing. Maybe this can be discussed at the joint workshop. ■ Chairman Kelly stated he thinks workforce housing should be further defined. ■ Mr. Jones asked if the Town Council can actually locate where 40Bs go. ■ Mr. Nutting stated No.

SUBCOMMITTEE REPORTS: ► Mr. Jones, Communications Liaison, stated that on January 18th he and others will be giving a presentation of the achieved 2016 goals and future 2017 goals regarding Communications. ► Mr. Bissanti stated the EDC met and discussed the potentiality of moving storage facilities from C2 to Industrial zones. It was endorsed by the EDC and is on the agenda tonight. ► Mr. Mercer stated the Senior Center project is moving along. Some issues have delayed project; close to substantial completion. Biggest hold up is the elevator; cannot determine how long it will take for State elevator inspection. Once approved, will be able to utilize second floor. ► Mr. Mercer stated, regarding the School Building Committee, the high school has been opened for a couple of years; the project just does not end. There are field issues, but fields should be operating this spring. Finalizing the final requisition from the contractor; hope that audit process will start late spring/early summer. Everything is proceeding. ► Ms. Pfeffer, Chair of the Library Building Committee, stated the library is going along as planned. The addition should be all closed in; they are working on the roof. People are coming in to take care of the paintings and the murals. Window film has been put on to protect murals from ultraviolet light. It will be gorgeous when done. Display boards are available for viewing at 25 Kenwood Circle. There will be humidity controlled display cases for the 300-year-old books. The library may not open as anticipated in July.

LEGISLATION FOR ACTION:

1. **Bylaw Amendment 16-778: Chapter 160, Taxpayers, Delinquent – 2nd Reading (majority vote).** MOTION to Waive the reading by Mercer. SECOND by Jones. No Discussion. ► VOTE: Yes-8, No-0, Absent-1. MOTION to Move Bylaw Amendment 16-778: Chapter 160, Taxpayers, Delinquent by Mercer. SECOND by Jones. Discussion: ■ Mr. Nutting stated this is a statutory requirement the treasurer must have the Town Council change as the law was changed recently. ► ROLL CALL VOTE: Bissanti-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES ► VOTE: Yes-8, No-0, Absent-1.
2. **Bylaw Amendment 17-784: Repeal Sign Restrictions Bylaw – 1st Reading.** Ms. Pfeffer read the bylaw amendment. MOTION to Move Bylaw Amendment 17-784: Repeal Sign Restrictions Bylaw to a 2nd Reading by Mercer. SECOND by Padula. Discussion: ■ Mr. Nutting stated a comprehensive sign bylaw was passed several years ago. At this point, this bylaw which was passed in 1975 is not

needed; the Town does not need two bylaws. He noted that there are some billboards in town that were grandfathered. ► **VOTE: Yes-8, No-0, Absent-1.**

3. **Bylaw Amendment 17-785: Repeal of Sidewalk Snow and Ice Removal Bylaw – 1st Reading.** Ms. Pfeffer read the bylaw amendment. **MOTION to Move** Bylaw Amendment 17-785: Repeal of Sidewalk Snow and Ice Removal Bylaw to a 2nd Reading by **Mercer. SECOND** by **Padula.**
Discussion: ■ Mr. Nutting stated in 1975 a bylaw was passed that people had to shovel in front of their businesses. It has never been enforced. So, either it should be gotten rid of or it should be enforced during every storm. It does not seem practical anymore; it does not seem business friendly. ■ Ms. Pellegrini stated it had been enforced; people may not have been fined, but it got people mostly in the Main Street area to clean up the snow. ■ Mr. Nutting stated that in every industrial park the owner would have to do it under the bylaw; would have to tell EMC to shovel their sidewalk. ■ Mr. Jones suggested bringing up topic during the joint workshop. ► **VOTE: Yes-8, No-0, Absent-1.**
4. **Zoning Bylaw Amendment 17-786: Storage Facility Bylaw – Referral to Planning.** Ms. Pfeffer read the zoning bylaw amendment. **MOTION to Move** Zoning Bylaw Amendment 17-786: Storage Facility Bylaw – Referral to Planning Board by **Mercer. SECOND** by **Jones. Discussion:** ■ Mr. Nutting stated the proposal is to move the ability to have a storage facility from C2 to Industrial zone. He noted storage is not the highest and best use of Commercial area. ■ Mr. Bissanti, on behalf of EDC, stated C2 property is a valuable commodity. Storage facilities are not a pro-active vibrant use. Many towns have storage facilities in Industrial zones; EDC endorsed it to be moved to Industrial zones. ► **VOTE: Yes-8, No-0, Absent-1.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Nutting stated there was revalue of property; check with Assessors if have questions. Tax rate went up \$.08. He noted the first and second quarter bills are based on last year's tax rate; third and fourth quarter bills are based on this year's tax rate. ► In the tax bill, there is a voluntary request to donate to veteran's services in Franklin. If any questions, call Dale Kurtz, Veteran's Agent. It is a worthy cause; he hopes people will give it a thought.

FUTURE AGENDA ITEMS: *None.*

COUNCIL COMMENTS: ► Ms. Pellegrini noted that former election worker John Tully passed away this week. She stated the Meals on Wheels program needs help and assistance in delivering meals. If interested contact Karen Alves at the Senior Center. ► Mr. Jones stated the Franklin Food Pantry needs supplies and donations. ► Ms. Pfeffer wished everyone a Happy New Year. ► Chairman Kelly noted that all Council members are taxpayers and some are also commercial property owners. They act on the best interest of the people of the Town of Franklin; what they do as the Town Council affects them as residents as well. The Town Council works hard for the people of Franklin.

EXECUTIVE SESSION: *None.*

ADJOURN: **MOTION to Adjourn** by **Mercer. SECOND** by **Jones. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1. Meeting adjourned at 7:41 PM.**

Respectfully submitted,

Judith Lizardi
Recording Secretary

Swearing In
of
Franklin Fire Fighters





APPOINTMENTS

Finance Committee

David Wiech
30 Winterberry Drive

The Finance Committee has recommended the appointment of David Wiech to serve as a member of the Finance Committee with an expiration of June 30, 2017.

MOTION to appoint David Wiech to serve as a member of the Finance Committee.

DATED: _____, 2017

A True Record Attest:

Teresa M. Burr
Town Clerk

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council



License Transactions:

99 Restaurants of Boston, LLC

The applicant is seeking a change of Manager on their alcoholic beverages license to Asta Hodge.

MOTION to approve the request by 99 Restaurants of Boston for a change of Manager to Asta Hodge.

DATED: _____, 2017

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

A True Record Attest:

Teresa M. Burr
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

00063-RS-0430
ABCC License Number

Franklin
City/Town

12/21/2016
Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

- New License
- Change Corporate Name
- Pledge of Collateral (i.e. License/Stock)
- Change Corporate Structure (i.e. Corp / LLC)
- Transfer of License
- Change of DBA
- Change of Class (i.e. Annual / Seasonal)
- Change of Hours
- Change of Manager
- Alteration of Licensed Premises
- Change of License Type (i.e. club / restaurant)
- Issuance/Transfer of Stock/New Stockholder
- Change of Beneficial Interest
- Change of Location
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Management/Operating Agreement

APPLICANT INFORMATION

Name of Licensee: 99 Restaurants of Boston, LLC D/B/A: 99 Restaurant & Pub

ADDRESS: 847 West Central Street CITY/TOWN: Franklin STATE: MA ZIP CODE: 02038

Manager: Asta Hodge

§12 Restaurant (Type) Annual (Class) All Alcoholic Beverages (Category)

Granted under Special Legislation? Yes No

If Yes, Chapter _____ of the Acts of (year) _____

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the Local Licensing Authority: Approves this Application

Please indicate what days and hours the licensee will sell alcohol:

M-W 8:00Am to 12:00AM,
Th-Sat 8:00AM to 1:00AM
Sun - 10:00AM to 12:AM

If Approving With Modifications, please indicate below what changes the LLA is making:

Please indicate if the LLA is downgrading the License Category (approving only Wines and Malts if applicant applied for All Alcohol):	Changes to the Premises Description	Indoor Area Total Square Footage	<input type="text"/>	Floor Number	Square Footage	Number of Rooms
	Patio/Deck/Outdoor Area Total Square Footage	Number of Entrances	<input type="text"/>			
	Seating Capacity	Number of Exits	<input type="text"/>			

Abutters Notified: Yes No Date of Abutter Notification: _____ Date of Advertisement: _____

Please add any additional remarks or conditions here:

Check here if you are attaching additional documentation

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

The Local Licensing Authorities By:

Judith Pond Pfeffer
Clerk,
Franklin Town Council
01/18/2017
Date APPROVED by LLA



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
www.mass.gov/abcc

Print Form

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: \$200.00

(CHECK MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

CHECK NUMBER

IF USED EPAY, CONFIRMATION NUMBER

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

00063-RS-0430
 043000063

LICENSEE NAME

99 RESTAURANTS OF BOSTON, LLC

ADDRESS

847 WEST CENTRAL STREET

CITY/TOWN

FRANKLIN

STATE

MA

ZIP CODE

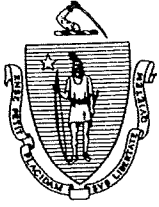
02038

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> New Officer/Director | <input type="checkbox"/> Transfer of License |
| <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Issuance of Stock | <input type="checkbox"/> New Stockholder | <input type="checkbox"/> Transfer of Stock |
| <input type="checkbox"/> Change of License Type | <input type="checkbox"/> Management/Operating Agreement | <input type="checkbox"/> Pledge of Stock | <input type="checkbox"/> Wine & Malt to All Alcohol |
| <input type="checkbox"/> Change of Location | <input type="checkbox"/> More than (3) §15 | <input type="checkbox"/> Pledge of License | <input type="checkbox"/> 6-Day to 7-Day License |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> New License | <input type="checkbox"/> Seasonal to Annual | |
| <input type="checkbox"/> Other | <input type="text"/> | | |

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH THE CHECK, COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

ALCOHOLIC BEVERAGES CONTROL COMMISSION
 P. O. BOX 3396
 BOSTON, MA 02241-3396



*The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc*

PETITION FOR CHANGE OF LICENSE

~~043000063~~ **00063-RS-0430**

ABCC License Number

Franklin

City/Town

The licensee **99 Restaurants of Boston, LLC** respectfully petitions the Licensing Authorities to approve the following transactions:

- Change of Manager
- Pledge of License/Stock
- Change of Corporate Name/DBA
- Change of License Type (§12 ONLY, e.g. "club" to "restaurant")
- Alteration of Premises
- Cordial & Liqueurs
- Change of Location

Change of Manager

Last-Approved Manager:

Requested New Manager:

Pledge of License /Stock

Loan Principal Amount: \$ Interest Rate:

Payment Term: Lender:

Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA:

Requested New Corporate Name/DBA:

Change of License Type

Last-Approved License Type:

Requested New License Type:

Alteration of Premises: (must fill out attached financial information form)

Description of Alteration:

Change of Location: (must fill out attached financial information form)

Last-Approved Location:

Requested New Location:

Signature of Licensee

Date Signed

(If a Corporation/LLC, by its authorized representative)



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

AMENDMENT APPLICATION FOR A CHANGE OF MANAGER

Please complete this entire application, leaving no fields blank. If field does not apply to your situation, please write N/A.

1. NAME OF LICENSEE (Business Contact)

ABCC License Number City/Town of Licensee

2. APPLICATION CONTACT

The application contact is required and is the person who will be contacted with any questions regarding this application.

First Name: Middle: Last Name:

Title: Primary Phone:

Email:

3. BUSINESS CONTACT

Please complete this section **ONLY** if there are changes to the Licensee phone number, business address (corporate headquarters), or mailing address.

Entity Name:

Primary Phone: Fax Number:

Alternative Phone: Email:

Business Address (Corporate Headquarters)

Street Number: Street Name:

City/Town: State:

Zip Code: Country:

Mailing Address Check here if your Mailing Address is the same as your Business Address

Street Number: Street Name:

City/Town: State:

Zip Code: Country:

APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGES LICENSE

4. MANAGER CONTACT

The Manager Contact is required and is the individual who will have day-to-day, operational control over the liquor license.

Salutation First Name Middle Name Last Name Suffix

Social Security Number Date of Birth

Primary Phone: Email:

Mobile Phone: Place of Employment

Alternative Phone: Fax Number

Citizenship / Residency / Background Information of Proposed Manager

Are you a U.S. Citizen? Yes No

Do you have direct, indirect, or financial interest in this license? Yes No

Have you ever been convicted of a state, federal, or military crime? Yes No
 If yes, attach an affidavit that lists your convictions with an explanation for each

If yes, please indicate type of Interest (check all that apply):

Have you ever been Manager of Record of a license to sell alcoholic beverages? Yes No

If yes, please list the licenses for which you are the current or proposed manager:

99 RESTAURANT SEEKONK, MA

Officer Sole Proprietor
 Stockholder LLC Manager
 LLC Member Director
 Partner Landlord
 Contractual Revenue Sharing
 Management Agreement Other

Please indicate how many hours per week you intend to be on the licensed premises

Employment Information of Proposed Manager

Please provide your employment history for the past 10 years

Date(s)	Position	Employer	Address	Phone
3/21/12 - 10/15/16	GENERAL MANAGER	99 RESTAURANTS	821 FALL RIVER AVE. SEEKONK	(508) 526-9999
10/11/11 - 2/9/12	SALES	VALE APPLIANCE	296 FREEPORT ST. DORCHESTER	(617) 825-9253
2/27/06 - 10/08/11	MANAGER	99 RESTAURANTS	404 PLEASANT ST. FALL RIVER, MA	(508) 673-8999
01/29/05 - 01/09/06	MANAGER	LOWE STAR & SALOON	1000 BALD HILL RD. WARWICK RI	CLOSED

Prior Disciplinary Action of Proposed Manager

Have you ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following:

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation
	N/A			

ADDITIONAL SPACE

The following space is for any additional information you wish to supply or to clarify an answer you supplied in the application.

If referencing the application, please be sure to include the number of the question to which you are referring.

10/15/2016 - present *99 Restaurants*
847 W. Central St. Franklin, MA 02038
(508) 520-9909

APPLICANT'S STATEMENT

I, ASTA HODGE the: sole proprietor; partner; corporate principal; LLC/LLP member
Authorized Signatory

of 99 RESTAURANTS OF BOSTON, hereby submit this application for CHANGE OF MANAGER
Name of the Entity/Corporation Transaction(s) you are applying for

(hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statement and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises does not violate any requirement of the ABCC or other state law or local ordinances;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the Application information as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of, the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

Signature:

Date:

Title:



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
 www.mass.gov/abcc

MANAGER APPLICATION

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

1. LICENSEE INFORMATION:

Legal Name of Licensee: Business Name (dba):

Address:

City/Town: State: Zip Code:

ABCC License Number: (If existing licensee) Phone Number of Premise:

2. MANAGER INFORMATION:

A. Name: B. Cell Phone Number:

C. List the number of hours per week you will spend on the licensed premises:

3. CITIZENSHIP INFORMATION:

A. Are you a U.S. Citizen: Yes No B. Date of Naturalization: C. Court of Naturalization:

(Submit proof of citizenship and/or naturalization such as U.S. Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

4. BACKGROUND INFORMATION:

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes No

If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes No

If yes, please describe:

C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes No

If yes, please describe:

D. Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature Date

Additional Space

Please note which question you are using this space for.

03/21/2012-10/14/2016 General Manager, Ninety Nine Restaurant, 821 Fall River Ave. Seekonk, MA 02771, Ph. 508-336-9899
10/11/2011-02/09/2012 sales, Yale Appliance, 296 Freeport St. Dorchester, MA 02122, Ph. 617-825-9253
02/27/2006-10/08/2011 manager, Ninety Nine Restaurant, 404 Pleasant St. Fall River, MA 02721, Ph. 508-673-8999

ASTA HODGE

PROFILE:

Academic background in Architecture; completed related Internship. Interest in landscape architectural design. Adept in creating models by hand; reading blueprints; analyzing and resolving architectural design issues. Proficient in managing projects/tasks from inception through completion; meeting project budget and deadlines; developing and implementing procedures that save time without compromising quality. Well organized; strong time management, problem solving, communication and leadership skills. Goal-oriented with outstanding follow through. Initiative to learn and grow in responsibilities; desire to excel in performance. Computer Proficient – Fluent in Lithuanian, Russian, and English.

EDUCATION:

VILNIUS ART ACADEMY, Vilnius, Lithuania
PROGRAM OF ARCHITECTURE

CURRICULUM HIGHLIGHTS:

Construction

Architectural Graphics

Painting

Designing

Elements of Construction Technologies

Geodesy/Landscape Architecture & Road Construction

Monumental Protection

Composition

Furniture Design

Script

Science of Color

ADDITIONAL TRAINING:

Feng Shui and Interior

INTERNSHIP:

2000

HISTORIC ASSOCIATION, Vilnius, Lithuania

Non-Profit Organization to Preserve Historic Architecture

ARCHITECTURAL RECORDER

Worked collaboratively with four teams of three interns. Duties included: measuring historic building (interior/exterior); creating sketch of building; photographing building with attention to intricate details; recording materials used on building; creating detailed blueprints (1 to 1 scale/1 to 100 scale) and portfolio; recognizing separate time lines; submitting to professor for inspection.

Accomplishments:

- *Team Leader of top performing team; met accuracy and deadline standards.*
- *Recorded and completed four buildings within three months (three months ahead of schedule).*
- *Hand drew blueprints and drawings of detailed art work.*

EXPERIENCE:

2006-Present

O'CHARLEY'S, INC., / 99 RESTAURANTS, Fall River and Seekonk, Massachusetts

SERVICE/SALES/TRAINING MANAGER

Oversee day-to-day restaurant operations. Duties include: interviewing, hiring, training, evaluating, supervising, and motivating wait staff, hosts, bartenders, and kitchen staff; preparing schedules; assigning tasks; coaching/mentoring employees; ordering and purchasing supplies, beverages, food, uniforms, etc; receiving, verifying, and storing deliveries; maintaining inventory control; developing sales/marketing strategies and employee incentives; identifying, troubleshooting and resolving problems, customer service issues and employee conflicts; managing payroll hours and budget; controlling expenses.

Accomplishments:

- *Increased guest satisfaction scores from 60% to 73%.*
- *Built team environment; improved morale; held employees accountable.*
- *Improved restaurant sanitation and cleanliness significantly.*
- *Achieved number 1 fundraising restaurant (out of 116) for homeless shelter and Boys and Girls Club.*
- *Achieved number 1 in beverage sales (promotional).*
- *Winner of numerous other company contests.*
- *Store of the Year.*



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
 www.mass.gov/abcc

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee B. Business Name (dba)
 C. Address D. ABCC License Number (if existing licensee)
 E. City/Town State Zip Code
 F. Phone Number of Premise G. EIN of License

2. PERSONAL INFORMATION:

A. Individual Name B. Home Phone Number
 C. Address
 D. City/Town State Zip Code
 E. Social Security Number F. Date of Birth
 G. Place of Employment

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime? Yes No

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.
 *If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature Date

Title (If Corporation/LLC Representative)

**99 RESTAURANTS OF BOSTON, LLC
ASSISTANT SECRETARY CERTIFICATION**

I, the undersigned, Goodloe Partee, General Counsel and Secretary for 99 Restaurants of Boston, LLC, (the "Company"), hereby certify and confirm the following in my capacity as an Assistant Secretary of the Company:

- (i) The Company's Action Take on Written Consent By the Sole Member (the "Resolution") was duly adopted in accordance with all of the operative documents of the Company, remains in full force and effect, and has not been amended, modified or supplemented;
- (ii) Asta Hodge, is the duly designated and appointed General Manager of the '99 Restaurants' located at 847 West Central Street, Franklin, MA 02038. Her designation and appointment were made consistent with the terms and conditions of such Resolution; and
- (iii) In her capacity as General Manager, Asta Hodge, has authority to sign any and all alcohol renewal documents, applications, permits and licenses as she should, in her judgment, deem fit and proper and in the best interest of the Company.

IN WITNESS WHEREOF, the undersigned has executed this Assistant Secretary Certification for the purposes of evidencing its consent and certification to the foregoing.

By: _____

Name: Goodloe Partee

Title: General Counsel and Secretary



You'll Always Come Back For More™

Dear Sir or Madam,

I am writing this letter in support for the transfer of the liquor license for Ninety Nine Restaurant located at 847 West Central Street in Franklin, MA. The license is currently held by former General Manager Pamela Abrantes and is pending transfer to myself, Asta Hodge. I have held liquor license in Seekonk, Massachusetts for a year as a General Manager at the Ninety Nine Restaurant.

Through this time I have been responsible for the training of all Ninety Nine employees (both hourly and management personnel) at Seekonk Location to ensure safe service of alcohol on our premises. This includes administration and oversight of the Ninety Nine internal alcohol service programs, as well as being responsible for ServSave Alcohol certification for all members of management. Over the year there have been no infractions against an establishment for which I have held a license.

Sincerely,

Asta Hodge

General Managing Partner, Ninety Nine Restaurants

COMMUNICATIONS & CIVIC ENGAGEMENT UPDATE

**Town of Franklin, Massachusetts
Councilor Glenn Jones**

**Deputy Town Administrator Jamie Hellen
January 18, 2017**



CHALLENGES

- Fragmented information network
 - 6:00 News with Chet & Nat, World News Peter Jennings, local paper
 - A changing communications/engagement network –
 - expanding network of sources and disconnected trust
 - Town should be reliable source
- The “Google Problem” – Instantaneous Gratification, High Expectations
 - Cities and Towns should aim to meet these new expectations
- Staff-time constraints. Limited resources
 - The Project is Never Done...
- Varying levels of proficiency/interest with technology
- Patience



LISTENING TOUR

- January 2016, my first week, Councilor Jones set up a meeting with Tri-County's public relations staff, Jessica, Franklin TV to go through some of Tri-County's success and to discuss concepts/ideas
- Met with all Department Heads/staff to get input, history
 - Consult with Technology Department
- Discussions with community stakeholders
- March 2016, we drafted a "sketch" of an ambitious 2016-2017 Communications & Civic Engagement "Master Plan" with a series of goals for 2016 and 2017.

Theme: *Tell our story*

2016 GOALS & ACCOMPLISHMENTS

- **Goal #1: Increase coordination and expand outreach**
 - Quarterly group check-in's
 - Ongoing...listen to resident and stakeholder feedback and ideas
- **Goal #2: Increase Social Media presence**
 - Nearly Tripled the Town's followers on social media.
 - Departments have exceeded all expectations
 - Focus is Twitter & Facebook only
 - Created a new You Tube site (videos, interviews, economic dev videos, marketing, 3,000+ hits)
 - Investigated LinkedIn for job recruitment and HR
 - Not affordable option right now
 - **Social Media Policy**
 - Stop old, bad habits: press releases, approval for postings, overly scripted messaging.
 - Milford Daily news stories.



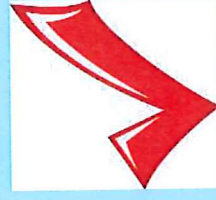
2016 GOALS & ACCOMPLISHMENTS

- **Goal #3: Provide Town Council “Actions Taken”**
 - The work and votes of every Council meeting posted on website in an archive, posted on social media, Franklin Matters
 - Every Town Council agenda has been posted on social media
- **Goal #4: Maintain Website content**
 - First objective: Ensure up to date content such as staff, board members and initiatives were online.
 - Completely redesign and rebrand website; new features
 - “Franklin Development” portal
 - Short Demo



2016 GOALS & ACCOMPLISHMENTS

- Goal #5: Compliment Franklin TV's programming with monthly news magazine
 - 7 Episodes of "Our Franklin" – TV & You Tube
 - Recreation staff, Senior Center staff, Veteran's Services Officer, Town Administrator Jeff Nutting's Year in Review, Introduction of Police Chief TJ Lynch, Public Library staff, Pre-Election Public Service Announcement with the Town Clerk Teresa Burr.
 - Chronicle-style "Franklin Almanac" launched, December 2016
 - Franklin TV Community Bulletin Board collaboration; new staff.
 - Town and Third Party/Non-Profit – one stop shop.
- Goal #6: Develop strategic technology infrastructure plan
 - Main objective: Mobile phone customer service & Cloud-based systems focus
 - Transition to new All-Call System "Regroup" for emergencies
 - Transition to Google Apps for Town, School and Police (2017 Implementation)
 - Savings, Collaboration, Staff Productivity, Mobility
 - E-Permitting online customer service center
 - Town Clerk pilot project up and running



2017 GOALS & STRATEGIES

- **Goal #1: Increase coordination and expand outreach**
 - Welcoming letter from the Council to every new property owner
 - Continue "On the Ground" outreach (e.g. FD Open Houses, PD Halloween party, Library NYE)
- **Goal #2: Increase Social Media presence**
 - Goal: 25% increase in social media followers in 2017
 - Focus on departments who haven't prioritized social media as much
 - Expand posting of agendas of other Boards & Committees on social media, too
- **Goal #3: Maintain Website content**
 - Google Analytics
 - Take a year's worth of data and adapt to citizen searches/web browsing
 - Utilize new infrastructure better:
 - Online job applications
 - Legal notices
 - Email subscription lists

2017 GOALS & STRATEGIES

- Goal #5: Compliment Franklin TV's programming with monthly news magazine
 - Move to HD Infrastructure in Council Chamber
 - Redesign Franklin TV website, move to HD Streaming of meetings/archive
 - Radio Station WFPR-FM
- Goal #6: Develop strategic infrastructure plan improvements
 - Implement Google
 - Implement & Possibly Invest in Expanded online E-Permitting
 - Research potential online budgetary modules

QUICK LINKS

- Emergency Information
- Recycling & Trash
- Passports
- Legal Notices
- Agendas & Minutes
- Volunteer
- Job Opportunities
- Employee Intranet - testing

CONNECT

- Email Notifications
- Social Media Center
- Live Meetings & Stream
- Franklin TV
- Local Phone Directory

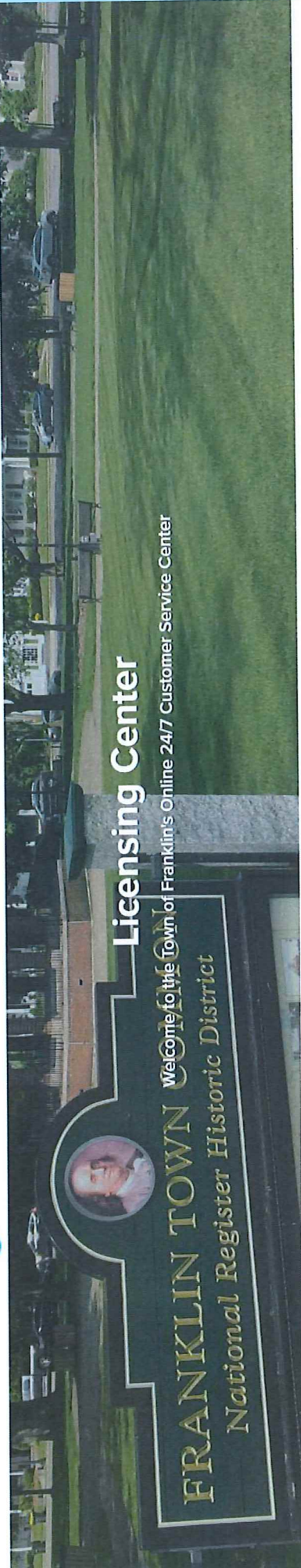


CUSTOMER SERVICE REQUESTS

- Public Works Work Order
- Reverse 911
- Schedule an Inspection
- Suggestion Box



Log in



Licensing Center

Welcome to the Town of Franklin's Online 24/7 Customer Service Center

Discover Online Services

Choose below to see what's possible



Town Clerk

Explore



**TOWN OF FRANKLIN
RESOLUTION 17-01**

Acceptance of Gift - Library

WHEREAS, Leonard S. French has generously donated \$500 dollars to the Franklin Library.

NOW THEREFORE, BE IT RESOLVED THAT:

The Town Council of the Town of Franklin on behalf of Franklin Public Library gratefully accepts this donation from Leonard S. French and thanks him for his support of the library.

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

DATED: _____, 2017

VOTED: _____

UNANIMOUSLY: _____

A TRUE RECORD ATTEST:

YES: ____ **NO:** ____

ABSTAIN: ____ **ABSENT:** ____

**Teresa M. Burr
Town Clerk**

**Judith Pond Pfeffer, Clerk
Franklin Town Council**



TOWN OF FRANKLIN RESOLUTION 17-02

Acceptance of Gift – Council on Aging

WHEREAS,

The Town of Franklin, Council on Aging has received a generous donation of \$1,500 from the Fletcher Hospital Corporation to be used for charitable endeavors for the elderly

NOW THEREFORE, BE IT RESOLVED THAT:

The Town Council of the Town of Franklin gratefully accepts this generous donation and thanks the Fletcher Hospital Corporation for their generosity and continued support.

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

DATED: , 2017

VOTED: _____

UNANIMOUSLY: _____

A TRUE RECORD ATTEST:

YES: ___ **NO:** ___

ABSTAIN: ___ **ABSENT:** ___

Teresa M. Burr
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION NO.: 17-03

APPROPRIATION: Administration: GASB 45/75 Actuary Study \$ 9,000

TOTAL REQUESTED: \$ 9,000

PURPOSE: To transfer funds to cover the costs to conduct an Actuary Study to determine the town's liability as it relates to the unfunded retiree health insurance obligation, as required by GASB 45 and 75.

FINANCE COMMITTEE ACTION

Meeting Date: 1/31/17 **Vote:**

Recommended Amount: 9,000

MOTION

Be It Moved and Voted by the Town Council that the sum of Nine Thousand Dollars (\$9,000) be transferred to the above named account Free Cash.

DATED: _____, 2017

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

A True Record Attest:

Teresa M. Burr
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council

SPONSOR: *Hunchard*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 16-775
ZONING MAP CHANGES FROM RURAL RESIDENTIAL I TO
RESIDENTIAL VII AN AREA ON SUMMER 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 amendment to §185-5, Zoning Map:

By changing from Rural Residential I to Residential VII an area containing 10.810± acres, comprising of the following parcel of land as shown on the Town of Franklin's Assessor's Maps: Parcel Number 302-008-000.

The area to be rezoned is shown on the attached zoning map ("Zoning Map - Rural Residential I to Residential VII").

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: _____, 2017

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

**Teresa M. Burr
Town Clerk**





ABSTAIN _____

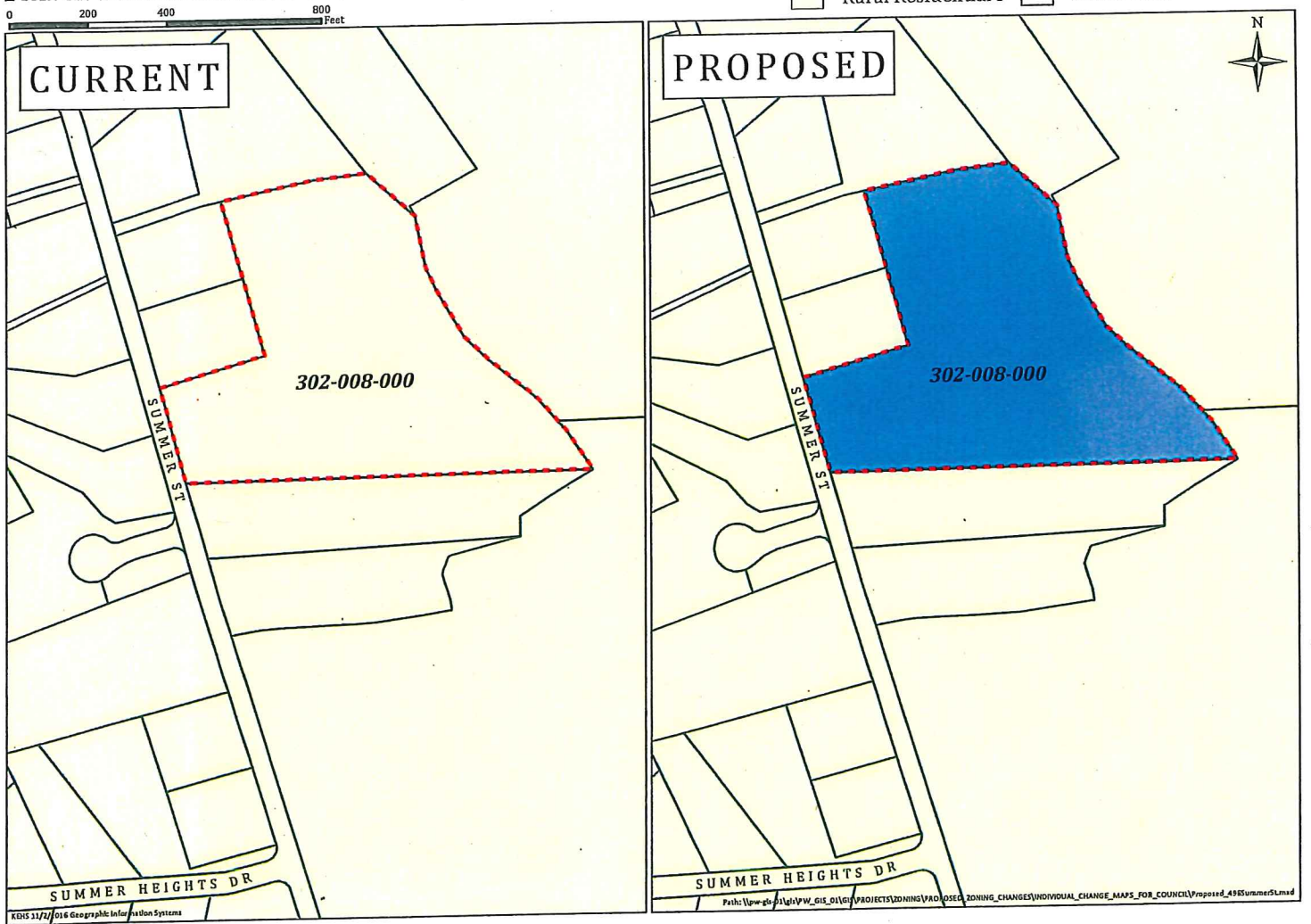
ABSENT _____

Judith Pond Pfeffer, Clerk

Proposed Zoning Map Changes

Rural Residential I to Residential VII

-  Residential VII
-  Area of Proposed Change
-  Rural Residential I
-  Parcel Line




Office of the Town Administrator



MEMORANDUM

Date: September 29, 2016

To: Town Council

From: Jeffrey Nutting, Town Administrator 

Subject: Citizens request to have his land rezoned from Residential One (R1 to Residential Seven (R7))

We have received a request from the owner of 10 acres of land at 496 Summer Street to have the Council consider changing the zoning from R 1 which allows one house for every 40,000 square feet of land and has 200 feet of Frontage to R 7 which allows 4 units of housing for every 40,000 square foot of land or four times the density of R1. Any development of the property would require a water and sewer extension. The sewer is nearby on Summer Street and the water line is several hundred feet down the road. (See map)

R7 was created in 2013 to allow for the "Cooks Farm Development" that is currently under construction on Route 140 at and near the Franklin County Club.

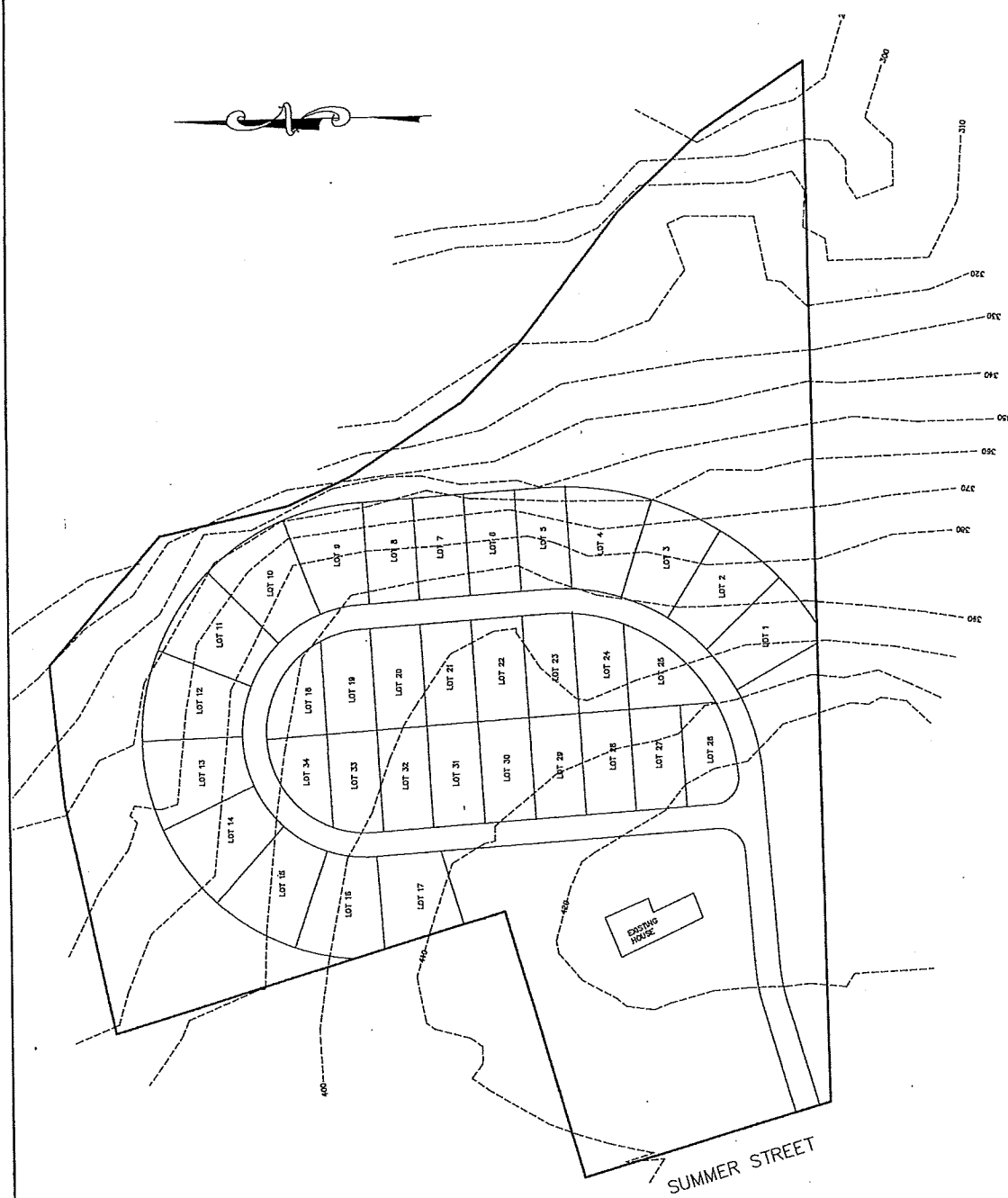
Zoning is a policy matter for the Town Council. You should note that I have also received a phone call from another developer indicating he was interested in having a parcel of land rezoned to R7 as well. Please find attached my memo from a few weeks ago, a zoning map, a water/sewer map, a proposed plan of the development, and general information about R7. I am happy to answer any questions you may have.

REFERENCES TAKEN FROM PLAN
1. FIELD NOTES OF
BY WILLIAM ROSETTI
2. TOPOGRAPHY AND EXISTING
HOUSE TAKEN FROM FRANKLIN
C.S.

SKETCH PLAN
496 SUMMER STREET
FRANKLIN, MASSACHUSETTS
FOR
GRANDIS HOMES
400 FOXBOROUGH BLVD. UNIT 8G08
FOXBOROUGH, MASSACHUSETTS
DATE: APR. 2015
SCALE: 1" = 50'

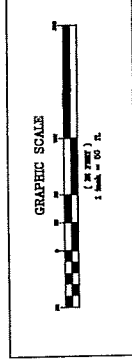
UNITED CONSULTANTS INC.
950 FRANKLIN STREET, SUITE 110
WENTHAM, MASSACHUSETTS 02090
100-281-6000 FAX 100-281-6006

DATE: APRIL, 2015
SCALE: 1" = 50'
PROJECT: UC-496-SUM
SHEET: 1 of 1



DATE	FIELD BY	INT.
3/4	FIELD BOOK	PG#
4/15	CALCS BY	ERG
4/15	DESCRIBED BY	ERG
4/15	DRAWN BY	ERG
4/15	CHECKED BY	ERG

NO.	DATE	DESCRIPTION	BY



OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

Date: September 7, 2016
To: Town Council
From: Jeffrey D. Nutting, Town Administrator *JN*
Re: Proposed Agenda Item about Zoning Game Plan

Lately, I have been approached by landowners/developers (L/D) seeking my opinion on whether the Town will provide a zoning change so they can develop their land into Condos, Apartments and Zone 7 (which allows 4 times the density of Rural Residential zoning). All the requests require a zoning change for the L/D. While a project may offer some benefit, it is the Town Council that needs to decide on zoning and the pace of development you want for Franklin.

The Town Council adopted an updated Master Plan in 2013 as a road map to continued improvements for the citizens of Franklin. The plan covered a wide range of topics many which the Council have embraced to date, most notably zoning changes, sidewalk construction, as well as open space/recreation issues.

Currently, the economy seems to be in good shape and the demand for housing in Franklin is higher than it has been in a long time. You will recall the tremendous growth of the 1990's and the various steps Town Council took to reign in the growth. They rezoned residential land to industrial land, adopted over-55 housing, bought open space when available, adopt the water and sewer extension bylaws, a growth control bylaw, the so-called circle bylaw, etc. Further, the Council voted for an impact fee on new homes that was rejected by the Court. All the efforts to control development happened after the spike in housing production of the mid-1990's and the fast growth created problems that we are still dealing with today. Housing starts continued in the early 2000's at a slower pace and then the recession of 2008 reduced development further.

In review, dwelling units created in the last five years by the Building Commissioner reports the following dwelling units:

- 2011 - 20 units
- 2012 - 57 units
- 2013 - 48 units
- 2014 - 47 units
- 2015 - 38 units

This does not count the two developments on King Street and East Central Street with a total of over 250 units for elderly citizens.

Since 2012, we are averaging about 48 units a year. This seems to be a reasonable and steady growth. Franklin is now at a crossroad again concerning proposed dwelling units. Currently, there are over **800** units in various stages of development.

Under Construction (Various Stages)

Weston Woods - 40B Apartments	280
Lorriane Metcalf - Subdivision	4
Cooks Farm - Condos	55
Lincoln Street - Subdivision	9
County Side Estates - Subdivision	8
Franklin Heights - Condos	7
Winter Gardens- Subdivison	5

Approved

Uncas Ave - Subdivision	18
Upper Union Street - Subdivision	7
East Central Street - Apts.	7
Chestnut Street - Over 55	10

Before Planning Board

Maple Street - Subdivision	10
----------------------------	----

In the Works

Madeline Village 40B	30-40	Decision by ZBA by end of the year
Pond Street Condos	96	Expects to file prior to end of year
Apartments at the end of Dean Ave	250	Expects to file prior to the end of year
Condos on West Central Street	30	?? Recently rezoned
Others units that are currently approved	20 +/-	or under construction
Total possible Dwelling Units	800 +/-	

While not all of these units will be constructed at once, we could see well over 600 units in the next 3 years. Further, we do not know how many other "as of right" dwelling units may be proposed in the next couple of years.

The housing development speaks well to Franklin's quality of life and all the improvements that have happen over the last 15 years under the leadership of the various Town Councils that make Franklin a desirable community to live.

Does the Town Council want to maintain the zoning plan adopted in the Master Plan or make changes to the plan? Providing a clear message to L/D's makes a lot more sense than dealing with zoning on a case-by-case basis. It is hard to say yes to one person and no to the next if you do not have an overall game plan.

I suggest this topic be put on a Council agenda or workshop in the near future. I am happy to answer any questions.

JDN:ce

cc: Bryan Taberner, Director of Community Planning
Planning Board

C. Establishment of Medical Marijuana Use Overlay Districts and relationship to underlying districts.

1. The Medical Marijuana Use Districts are established as districts which overlay the underlying districts, so that any parcel of land underlying in a Medical Marijuana Use District shall also lie in one or more of the other zoning districts in which it was previously classified, as provided for in this Zoning Bylaw.

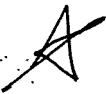
D. Permitted uses.

1. Uses allowed by right. The following uses are allowed as of right within Medical Marijuana Districts:
 - (a) All uses permitted as of right in the underlying base zoning district.
 - (b) Medical marijuana treatment facility.
 - (c) Medical marijuana testing facility.

E. Location.

1. The Medical 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 200 feet of a residential zoning district, school, library, church, child-care facility, park, and playground. The 200 feet 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.
2. This district is delineated on the map entitled "Medical Marijuana Use Overlay District" and created under § 185-4, Districts enumerated.

F. Severability. If any of this section or portion of this section is ruled invalid, such ruling shall not affect the validity of the remainder of the section.

 § 185-50. Residential VII Zoning District. [Added 10-16-2013 by Bylaw Amendment 13-722]

1. Purpose. To allow for planned residential developments.

A. Uses allowed:

- (1) Single-family dwelling units by right;
 - (2) Multiple, single-family dwelling units by special permit from the Planning Board; and
 - (3) All other uses as permitted in Residential VII as shown in Chapter 185, Attachment 2, Town of Franklin Use Regulations Schedule.
2. Special permit, for multiple, single-family.

A. General requirements.

- (1) Special permits. Multiple, single-family dwelling units may be authorized by special permit from the Planning Board in the Residential VII Zoning District, but only in accordance with the requirements as set out in § 185-45, Administration and enforcement, and if in accordance with the following requirements of this section, and as long as all other applicable requirements of Chapter 185 are met.
- (2) Site plan review. The requirements of § 185-31, Site plan review, shall be complied with at the time of application for a special permit.

B. Other requirements.

- (1) Mitigation. Design and construction shall reduce, to the extent reasonably possible, the following:
 - (a) The volume of cut and fill.
 - (b) The number of trees removed.
 - (c) The extent of waterways altered or relocated.
 - (d) The visual prominence of man-made elements not necessary for safety or orientation.
 - (e) The removal of existing stone walls.
 - (f) The visibility of building sites from existing streets.
 - (g) The alteration of groundwater or surface water elevations.
 - (h) The disturbances of important wildlife habitats, outstanding botanical features and scenic or historic environs.
 - (i) The soil loss or instability during and after construction.
- (2) Enhancement. Design and construction shall increase, to the extent reasonably possible, the following:
 - (a) Visual prominence of natural features of the landscape.
 - (b) Legal and physical protection of views from the public ways.
 - (c) Use of curvilinear street patterns.

C. Building design and placement.

- (1) Minimum lot size. Multiple, single-family developments shall be constructed on a parcel of land totaling at least five acres of upland.
- (2) Density. The maximum number of dwelling units permitted shall not exceed four units per acre of upland.

- (3) There shall be at least 20 feet between buildings, or space between buildings may be reduced by 50% if all adjacent buildings are fire-sprinkled. In all other respects, the requirements of the Schedule of Lot, Area, Frontage, Yard and Height Requirements must be met.
- (4) If no public water supply is available, dwelling units must be fire-sprinkled.

D. Roadways.

- (1) Roadways construction. All the work and the materials used shall conform to the requirements of the MassDOT's "Standard Specifications for Highways and Bridges," including the most recent Supplemental Specifications:
 - (a) All roadways shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular and pedestrian travel.
 - (b) Width requirements.
 - i. Roadways and alleys shall be 24 feet in width, of which a minimum of 20 feet shall be paved; the balance shall consist of a continuous shoulder with no obstructions, constructed, in the opinion of the Fire Chief, to be capable of supporting and providing supplemental access for heavy emergency vehicles.
 - ii. Alleys may be reduced to 18 feet in width provided that the following requirements are met:
 - a. There is a primary roadway constructed consistent with the requirements of this Subsection 2D, Roadways;
 - b. The alley is one-way; and
 - c. There is no parking allowed along the alley.
- (2) Dead-end streets.
 - (a) Dead-end streets shall be no longer than 600 feet measured from the sideline of the closest, connecting street.
 - (b) Dead-end streets shall be provided, if a closed end, with a turnaround having a pavement radius of 45 feet.
 - (c) Approval. Approval of dead-end streets may be contingent upon provision of easements and necessary facilities to allow continuity of utility and drainage systems. Water mains shall normally be looped.
- (3) Other roadway requirements.
 - (a) Streets. Streets indicated on the plan that are not fully constructed to provide through traffic shall provide for paved temporary turnarounds suitable for snowplowing purposes; to be approved by the Planning Board, before any houses on such streets shall be occupied.

- (4) Ownership and maintenance.
 - (a) Ownership and maintenance of all roadways and related infrastructure shall remain private.
 - (b) A private road covenant to ensure compliance with Subsection 2D(4)(a) shall be approved by the Town Council prior to endorsement of plans by the Planning Board.
- E. Other improvements.
- (1) Sidewalks. Location. Sidewalks are required on one side of the road to adequately service pedestrian traffic.
 - (2) Sidewalks shall be at least five feet wide and shall extend to the paved roadway at intersections to provide convenient walk-off crossings. Sidewalks shall be ramped for handicapped to access the gutter with no curb. Handicap ramps shall be shown on the plan and shall be constructed in accordance with the latest Rules and Regulations of the Architectural Access Board.
- F. Utilities.
- (1) Wiring. Electrical, telephone and television community cable conduits shall be placed underground. Size and materials of these conduits and lateral spacing between conduits shall meet the requirements of the respective utility company. The utilities shall not be located under either paved areas of roadways or the sidewalks.
 - (a) Ownership and maintenance of utilities shall remain private.
 - (2) Water and sewer. Water and sewer services shall be constructed in compliance with Department of Public Works Standards.
 - (a) The water and sewer system shall remain private; however, DPW personnel shall have access as necessary to maintain the public systems.
 - (b) The Town of Franklin, its agents and servants shall have the right but not the obligation at all times to enter an approved development for the purposes of inspecting, maintaining and/or making emergency repairs including, but not limited to, private water, private sewer and/or private drainage systems. In such event, the private property owners shall be liable, jointly and severally, for the payment of all expenses incurred by the Town in connection therewith, and unpaid expenses shall constitute a lien on their property.
- G. Homeowners' association.
- (1) A homeowners' association shall be established to provide maintenance of all roadways, related infrastructure and utilities.

- (2) Legal documents creating such homeowners' association shall be submitted to the Town for review and shall be determined to be acceptable prior to plans being endorsed by the Planning Board.

ZONING

185 Attachment 9

Town of Franklin

SCHEDULE OF LOT, AREA, FRONTAGE, YARD AND HEIGHT REQUIREMENTS

[Amended 5-20-1998 by Bylaw Amendment 98-357; 5-6-1998 by Bylaw Amendment 98-361; 5-3-2000 by Bylaw Amendment 00-430; 7-11-2001 by Bylaw Amendment 01-468; 12-5-2001 by Bylaw Amendment 01-486; 10-2-2002 by Bylaw Amendment 02-507; 6-11-2003 by Bylaw Amendment 03-511; 3-1-2006 by Bylaw Amendment 05-575; 7-13-2011 by Bylaw Amendment 11-654; 6-19-2013 by Bylaw Amendment 13-717; 10-16-2013 by Bylaw Amendment 13-719; 1-22-2014 by Bylaw Amendment 13-726]

District	Area (square feet)	Minimum Lot Dimensions			Minimum Yard Dimensions			Maximum Height of Building		Maximum Impervious Coverage of Existing Upland	
		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 ¹	40	40	40	3	35	20	25
Rural Residential VI	40,000	200	200	180 ¹	40	40	40	3	35	20	25
Rural Residential VII ¹	40,000	200	200	180 ¹	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	35
Neighborhood Commercial	18,000	100	100	90	20	30	40	3	35	30	35
Downtown Commercial	5,000	50	50	45	5 ¹⁰	0 ²	15	3 ³	40 ⁹	80	90
Commercial I ¹	5,000	50	50	45	20 ¹	0 ²	15	3 ⁵	40 ⁶	90	100
Commercial II	40,000	175	200	157.5	40	30	30	3	40	70	80
Business	20,000	125	160	112.5	40	20	30	3	40	70	80
Industrial	40,000	175	200	157.5	40	30 ³	30 ³	3 ⁶	—	70	80
Limited Industrial	40,000	175	200	157.5	40	30 ³	30 ³	3 ⁶	40 ⁶	70	80
Office	40,000	100	100	90	20	30 ³	30 ³	3 ⁶	40 ⁶	70	80

Current →

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 a right-of-way which is 75 feet or more.

NOTES:

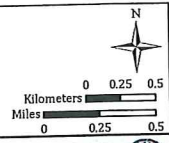
- 1 But no new structure shall be required to provide a deeper yard than that existing on that parcel upon adoption of this amendment.
- 2 Increase to 20 feet when abutting a residential district.
- 3 See definition of "upland" in § 185-3, § 185-36, Impervious surfaces, and § 185-40, Water Resource District.

FRANKLIN CODE

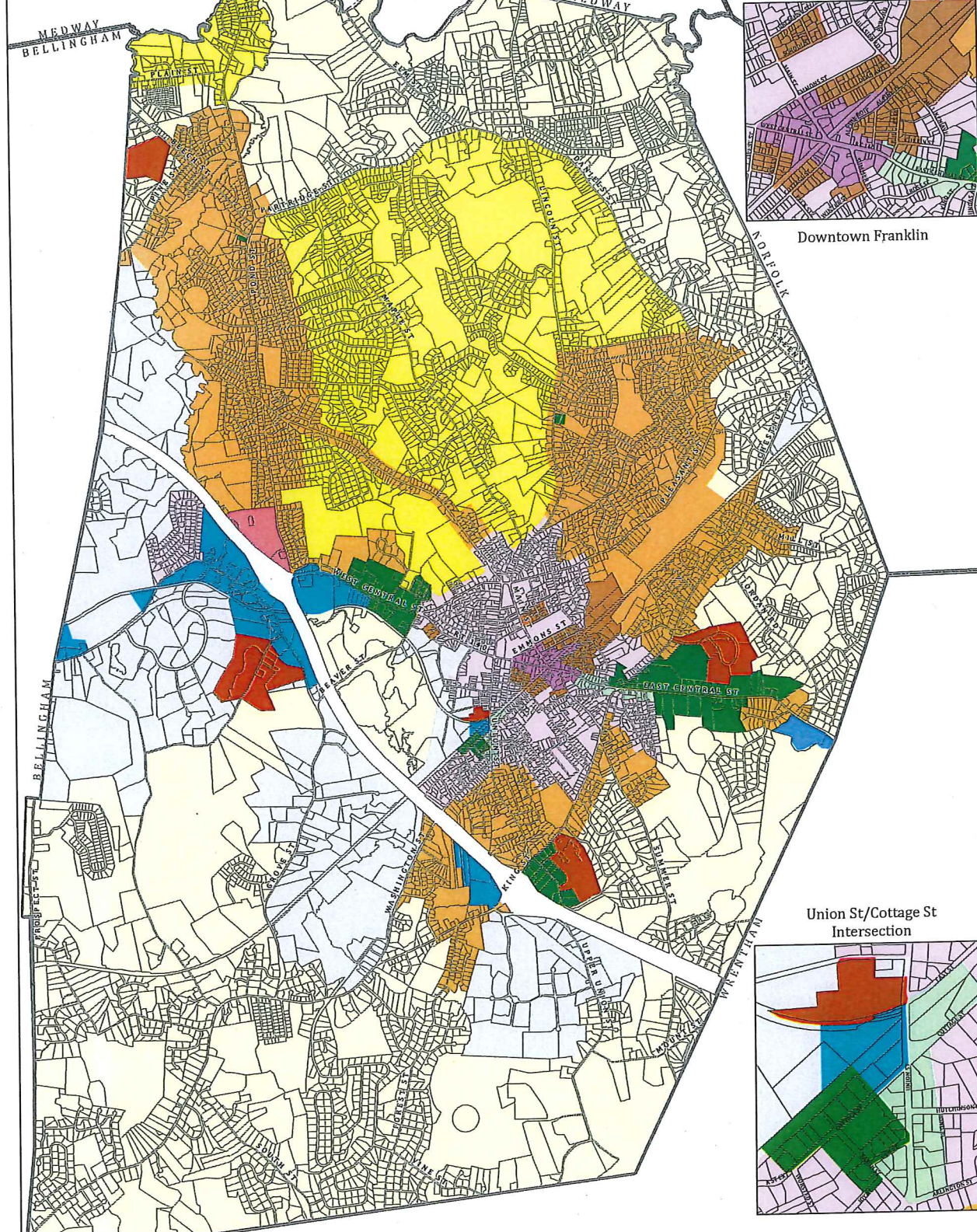
- 4 Within open space developments (see § 185-43), the lot width must be met for individual lots and shall be no less than 1/2 those required within the underlying district.
- 5 Increase by the common building height of the structure, when abutting a residential use.
- 6 Up to five stories and/or 60 feet, whichever is greater, may be permitted by a special permit from the Planning Board.
- 7 Permitted residential uses must observe requirements of the General Residential V District for residential use building only. 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 Up to four stories and/or 50 feet, whichever is less, 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 setback.
- 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.

ZONING DISTRICTS

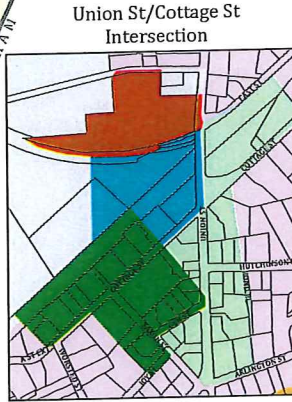
- Business
- Commercial I
- Commercial II
- Downtown Commercial District
- General Residential V
- Industrial
- Office
- Residential VI
- Residential VII
- Rural Residential I
- Rural Residential II
- Single-Family III
- Single-Family IV



Town of Franklin



Downtown Franklin









Union St/Cottage St Intersection

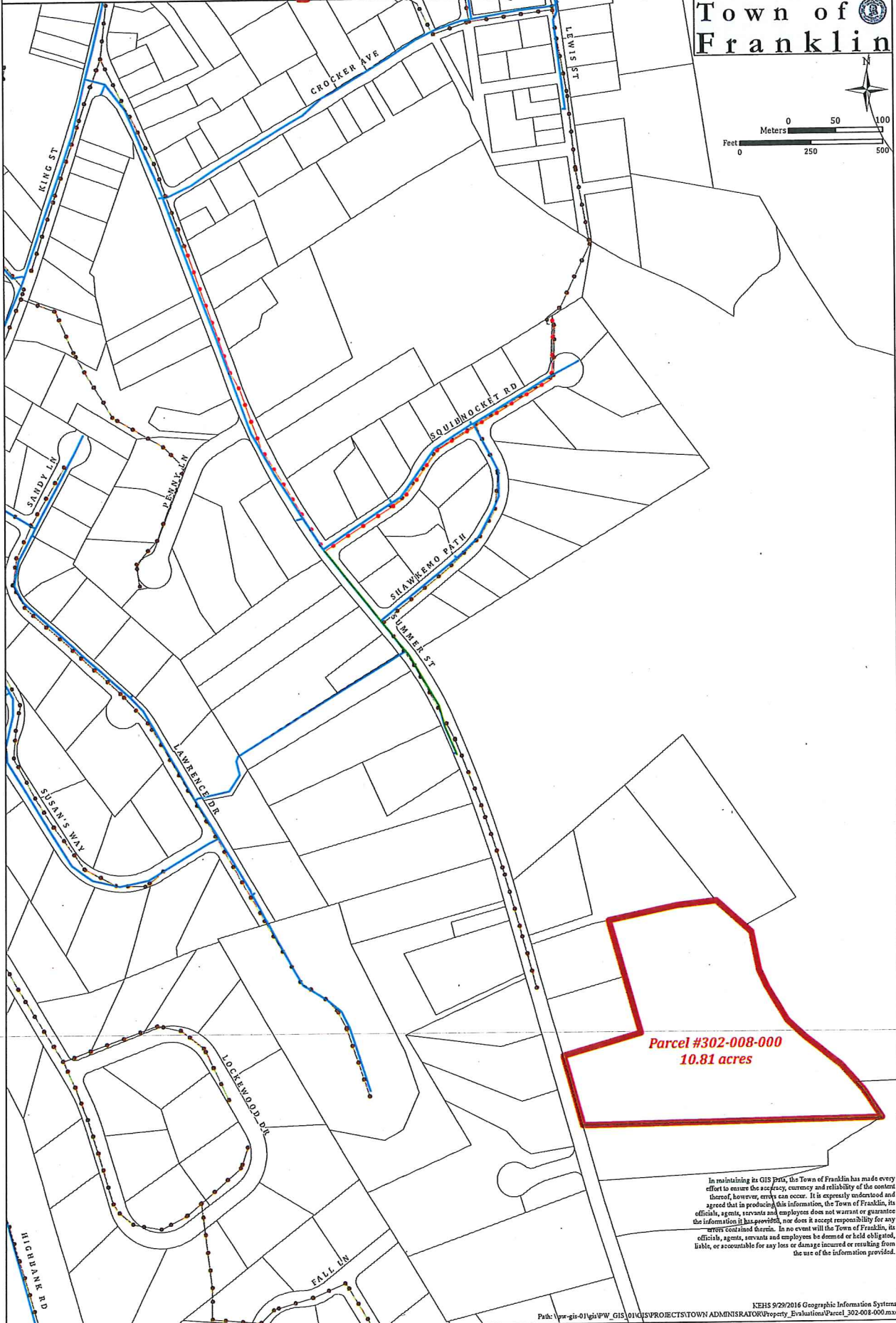
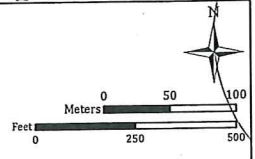
- GIS Zoning Map Approved 11-01-2000;
- Zoning Bylaw 00-446
- Amendment 99-414: 07-21-1999
 - Amendment 00-444: 12-06-2000
 - Amendment 00-454: 04-18-2001
 - Amendment 01-469: 07-11-2001
 - Amendment 01-472: 08-01-2001
 - Amendment 01-474: 08-15-2001
 - Amendment 01-475: 08-15-2001
 - Amendment 01-479: 12-05-2001
 - Amendment 02-492: 02-20-2002
 - Amendment 02-500: 07-17-2002
 - Amendment 02-506: 11-20-2002
 - Amendment 03-520: 08-06-2003
 - Amendment 04-539: 06-02-2004
 - Amendment 05-558: 03-23-2005
 - Amendment 05-559: 03-02-2005
 - Amendment 07-607: 09-05-2007
 - Amendment 07-608: 09-05-2007
 - Amendment 07-609: 09-05-2007
 - Amendment 07-610: 09-05-2007
 - Amendment 08-625: 11-05-2008
 - Amendment 11-652: 07-13-2011
 - Amendment 12-666: 01-04-2012
 - Amendment 12-689: 10-03-2012
 - Amendment 13-705: 05-15-2013
 - Amendment 13-721: 10-16-2013
 - Amendment 14-728-R: 06-04-2014
 - Amendment 14-733: 06-04-2014
 - Amendment 14-734: 06-04-2014
 - Amendment 15-750: 10-09-2015
 - Amendment 16-753: 07-13-2016

Attested to date 6.3.2016
 Signature _____
 Teresa M. Burr, Town Clerk

In maintaining its GIS Data, the Town of Franklin has made every effort to ensure the accuracy, currency and reliability of the content. 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 liable, liable, or accountable for any loss or damage incurred or resulting from the use of the information provided.

-  Water Pipe (CLDI)
-  Water Pipe (AC)
-  Sewer Pipe (Pressure)
-  Sewer Pipe (Gravity)
-  Parcel Line
-  Parcel of Interest (302-008-000)

Town of Franklin



Parcel #302-008-000
10.81 acres

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LAW OFFICES
CORNETTA, FICCO & SIMMLER, P.C.
ATTORNEYS AT LAW
4 WEST STREET
FRANKLIN, MASSACHUSETTS 02038

RICHARD R. CORNETTA, JR.

VOICE (508) 528-5300
FAX (508) 528-5555

October 12, 2016

Mr. Matthew Kelly, Chairman
ATTN: Jeffery D. Nutting
Franklin Town Council
Town of Franklin
355 East Central Street
Franklin, MA 02038
Via email: jnutting@franklin.ma.us

Re: Proposed Zoning Map Amendment
496 Summer Street, Franklin, Massachusetts

Dear Mr. Chairman:

Please be advised that this correspondence has been sent on behalf of Bruce J. Hunchard and Gwynne A. Hunchard, (hereinafter collectively referred to as the "Hunchard"), the record fee owner of the real property located at 496 Summer Street, Franklin, Massachusetts, shown on the Franklin Assessor's Map 302, Parcel 008.

Pursuant to Massachusetts General Law, Chapter 40A, §5, Hunchard petitions the Franklin Town Council to change the zoning district designation of the above-entitled real property from Rural Residential I (RRI) to Single Family Residential VII (SFRVII) through an amendment to the Franklin Zoning Map as set forth in the Franklin Town Code, Chapter 185, §5.

In support of this petition, attached please find the Memorandum in Support of Zoning Bylaw Amendment; including the Certificate of Ownership of Bruce J. Hunchard and Gwynne A. Hunchard; Sketch Plan of Locus; and the conceptual illustration plans for the site overview, building elevations, streetscape views and interior floor plans prepared by Grandis Homes, LLC.

On behalf of Hunchard, I would respectfully request that this matter be placed on the next available agenda of the Council for consideration.

Very truly yours,

Richard R. Cornetta, Jr.

Richard R. Cornetta, Jr.

COMMONWEALTH OF MASSACHUSETTS
TOWN OF FRANKLIN
FRANKLIN TOWN COUNCIL

NORFOLK, ss.

Owner Petition: **Bruce J. Hunchard and Gwynne A. Hunchard**

**MEMORANDUM IN SUPPORT OF ZONING BY-LAW TO AMEND
THE FRANKLIN TOWN CODE AT CHAPTER 185, § 5**

LOCUS HISTORY

1. **Relevant District.** The subject real property is located wholly within the Rural Residential I (RRI) zoning district.
2. **Location.** The subject real property consists of a parcel of land totaling ± 10.8 acres (Franklin Assessor Map 302-008-000) located along the easterly side of Summer Street in Franklin; and is bounded to the east by open space land owned by the town of Franklin, to the south by residential property, to the west by Summer Street, to the north by residential property (said subject property is referred to herein as the "Locus").
3. **Current Use.** The Locus is owned by Bruce J. Hunchard and Gwynne A. Hunchard, and has served as the Hunchard family's personal single family residence for over thirty years. The Locus contains a single family colonial style residence along with a detached garage, with the remainder of the acreage being wooded.

PRESENT APPLICANT/APPLICATION

4. **Applicant/Owner/Developer.** The present applicant/owner is Bruce J. Hunchard and Gwynne A. Hunchard. A certificate of ownership signed by the applicant/owner has been attached along herewith. The developer of the prospective multi-family planned residential development is Grandis Homes, LLC, a limited liability company duly organized under the laws of the Commonwealth of Massachusetts with a principal place of business at 135 Main Street, Suite 5, Medway, Massachusetts.
5. **Requested Action.** Pursuant to Massachusetts General Law, Chapter 40A, §5, the applicant seeks to change the zoning district designation of the Locus from Rural Residential I (RRI) to Single Family Residential VII (SFRVII) through an amendment to the Zoning Map of Franklin as set forth in the Franklin Town Code, Chapter 185, §5.

PLANNED RESIDENTIAL DEVELOPMENT

6. **Development Overview.** The Single Family Residential VII (SFRVII) zoning district would allow for planned residential developments consisting of multiple single family dwelling units by special permit of the Franklin Planning Board in accordance with the specific criteria set forth in §185-45 and §185-50 of the Franklin Zoning Bylaw. The preliminary planned residential development would include the removal of the existing structures and the construction of a new thirty-four (34) single family home development, with associated bituminous paved access drive, landscaping, lighting, utilities and stormwater infrastructure. A conceptual site rendering of the proposed development prepared by United Consultants, Inc. has been filed along herewith.
7. **Single Family Form of Ownership.** The planned residential development would include the fee ownership of each individual single family lot, along with the proportionate membership in the privately established association for the maintenance and repair of the common access drive, common landscaped areas, pedestrian walkways, stormwater management system and any other infrastructural improvements serving the development. Although the residential development would resemble a conventional residential neighborhood found within the town of Franklin, the development would emphasize smaller individual lot/yard size with

larger deck/patio areas. The individual homes will contain three (3) bedrooms with the option of selecting from a variety of floor plan layouts. The exterior style for each home will vary in design, with alternating entry ways, rooflines, colors and architectural finish so as to promote the appearance of a traditional New England neighborhood. This variety in design will continue in the interior floor plan of each home, offering the homeowner a choice in design which may include a first floor master bedroom, cathedral/open ceiling, guest suites and varied porch layouts. Conceptual illustration plans of the site overview, building elevations, streetscape views and varied interior floor plans prepared by Grandis Homes, LLC have been filed along herewith.

8. **Utilities and Infrastructural Improvement of Planned Residential Development.** The Locus has access to the public water service and sewer service, natural gas and telephone. The planned residential development would propose, pending approval of the Council, that each home be connected and serviced by the municipal water and sewer system to be constructed according to current standards thereby reducing the chance of infiltration and contamination. A primary access drive is planned to connect to Summer Street with a loop road providing motor vehicle and pedestrian access; access drive also designed to accommodate emergency vehicles to each home. In the course of acquiring special permit approval from the Franklin Planning Board, the development would be designed in compliance with the site plan requirements of §185-31 of the Franklin Zoning Bylaw, incorporating the Best Management Practices to meet the Department of Environmental Protection Stormwater Management runoff quality requirements. The access drive, landscaping, lighting, stormwater management system and associated infrastructural improvements of the development would remain in private ownership of the homeowner's association to be managed and maintained, in perpetuity, by the association of owners and not become the responsibility of the Town.

9. **Financial Impacts of the Planned Residential Development.** The following table summarizes the estimated financial analysis associated with the planned residential development, to wit:

Development of Summer Street		
Financial Analysis		
Locus	10 Acres	
34 three bedroom homes		
Trips per day	200 +/-	
One time permit fees (1)	\$270,940	
Income to Town		Estimated
Total value of 34 units @ \$550,000 each (average)	\$	18,700,000
Tax Revenue at 14.50/1000 after build out	\$	271,150.00
Estimated Annual excise tax	\$	25,500.00
Water and Sewer revenue (2)	\$	58,752.00
Total income	\$	355,402
Costs to Town after build out		
34, three bedroom with 11 students @ 6,000 (3)	\$	66,000
Municipal cost - 78 residents @ 500 (4)	\$	39,000
Total costs	\$	105,000
Net total Per Year	\$	250,402
(1) Building permit (\$81,600) Storm Water (\$3,360) Water (2,655x34=\$90,270) Sewer (2,815x34=\$95,710)		
(2) 160 cubic feet per unit x 34 (\$5.50 x 34 = 29,920 water/\$5.30 x 34 =28,832 sewer		
(3) .31 students per three bedroom unit		
(4) \$500 per resident		

CONCLUSION

The use of the properties to the north, west and south adjoining the Locus are residential in nature. Due to the residential character of the proposed use, the proposed zoning map amendment will not be detrimental or otherwise offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, visual or other nuisances. The planned residential development being proposed by such a zoning amendment would be favorable to a conventional single family residential subdivision. The individual homes would be characterized by less maintenance responsibilities, with emphasis on smaller lot/yard areas, larger deck/patio areas, common areas (ie. access drive, landscaping, lighting, stormwater management system) being maintained by a homeowner's association. In light of the proximate location of the Locus to the commercial center/train station area of the downtown, the planned residential development as proposed by this zoning amendment would appeal to and be more conducive to the emerging housing market comprised of 'millennials' and 'empty nesters'.

WHEREFORE, the applicant/owner/developer respectfully request that the Council revise the zoning district designation of the Locus from Rural Residential I (RRI) to Single Family Residential VII (SFRVII) through an amendment to the Zoning Map of Franklin as set forth in the Franklin Town Code, Chapter 185, §5.

Dated: October 12, 2016

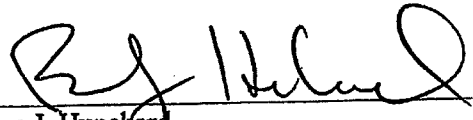
Respectfully submitted,
GRANDIS HOMES, LLC
By its Attorneys,


Richard R. Cornetta, Jr.

Richard R. Cornetta, Jr., Esquire
Cornetta, Ficco & Simmler, PC
Four West Street
Franklin, MA 02038
Tel: (508)528-5300
Fax: (508)528-5555
Email: Richard@cornettalaw.com

CERTIFICATE OF OWNERSHIP

We, the undersigned applicant/owner, Bruce J. Hunchard and Gwynne A. Hunchard, do hereby certify to the Town of Franklin, through its Town Council, that we are the current fee title holder of the real property located at 496 Summer Street, Franklin, Norfolk County, Massachusetts, also identified on the Franklin Assessor Map 302-008-000, more particularly described in a deed dated January 17, 2002 and filed with the Norfolk District of the Land Court with Certificate Number 161598, in Book 808, Page 198, and further hereby verify and acknowledge this petition which seeks to change the zoning district designation of the Locus from Rural Residential I (RRI) to Single Family Residential VII (SFRVII) through an amendment to the Zoning Map of Franklin as set forth in the Franklin Town Code, Chapter 185, §5.


Bruce J. Hunchard

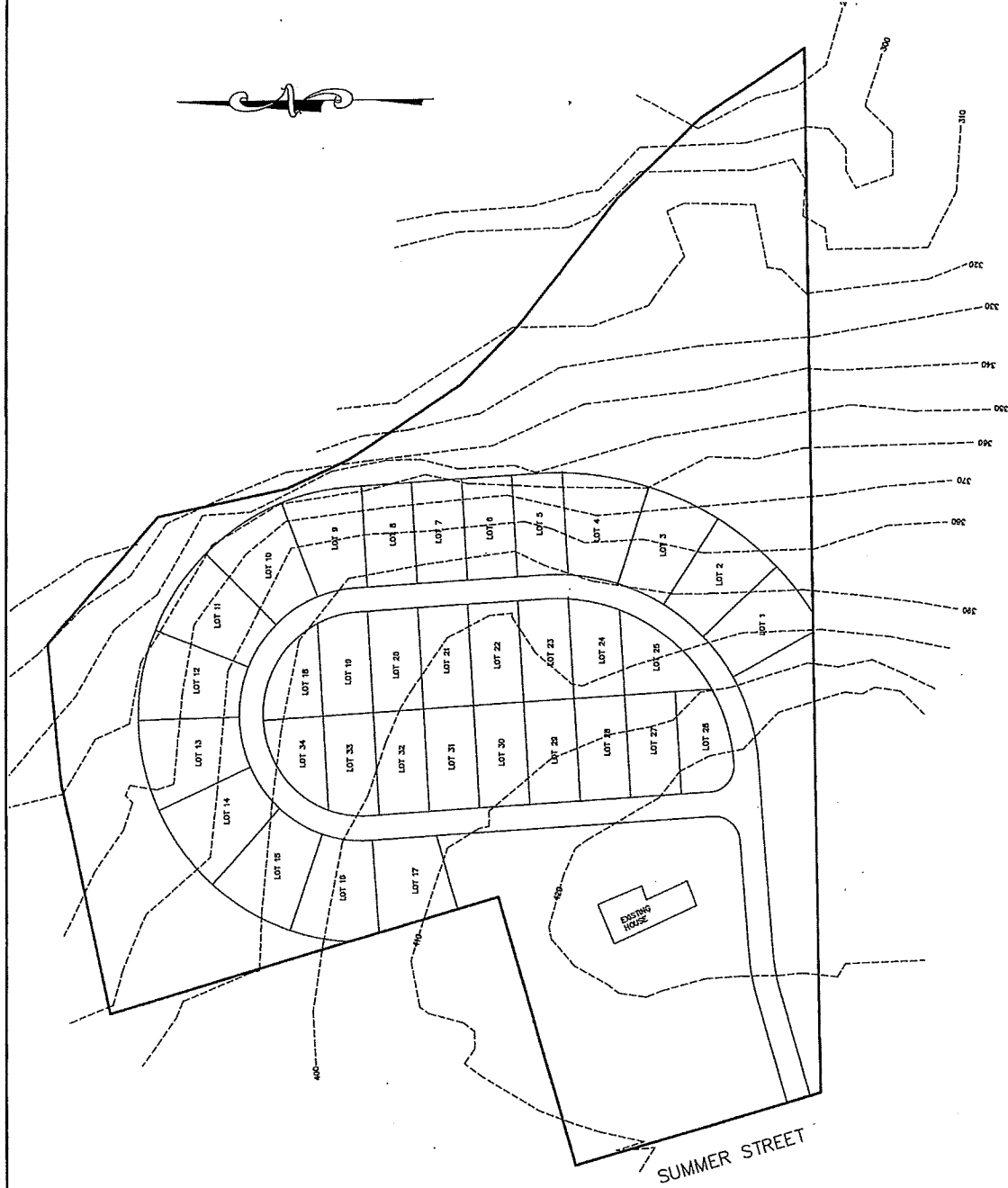

Gwynne A. Hunchard

REFERENCES:
 1. PERIMETER TAKEN FROM PLAN
 2. EXISTING HOUSE TAKEN FROM TOPOGRAPHY AND EXISTING HOUSE TAKEN FROM FRANKLIN GIS.

SKETCH PLAN
 486 SUMMER STREET
 FRANKLIN, MASSACHUSETTS
 FOR
 GRANDIS HOMES
 400 FOXBOROUGH BLVD. UNIT 8306
 FOXBOROUGH, MASSACHUSETTS
 DATE, APRIL, 2015
 SCALE 1" = 50'

UNITED CONSULTANTS INC.
 850 FRANKLIN STREET SUITE 110
 WENDELL, MASSACHUSETTS 02485
 508-841-0000 FAX 508-351-0000

DATE: APRIL, 2015
 SCALE: 1" = 50'
 PROJECT: UC-486-SUM
 SHEET: 1 of 1



DATE	FIELD BY	INT.
5/4	FIELD BOOK	RRG
4/15	CALCS BY	RRG
4/15	DESIGNED BY	RRG
4/15	DRAWN BY	RRG
4/15	CHECKED BY	RRG

NO.	DATE	DESCRIPTION	BY

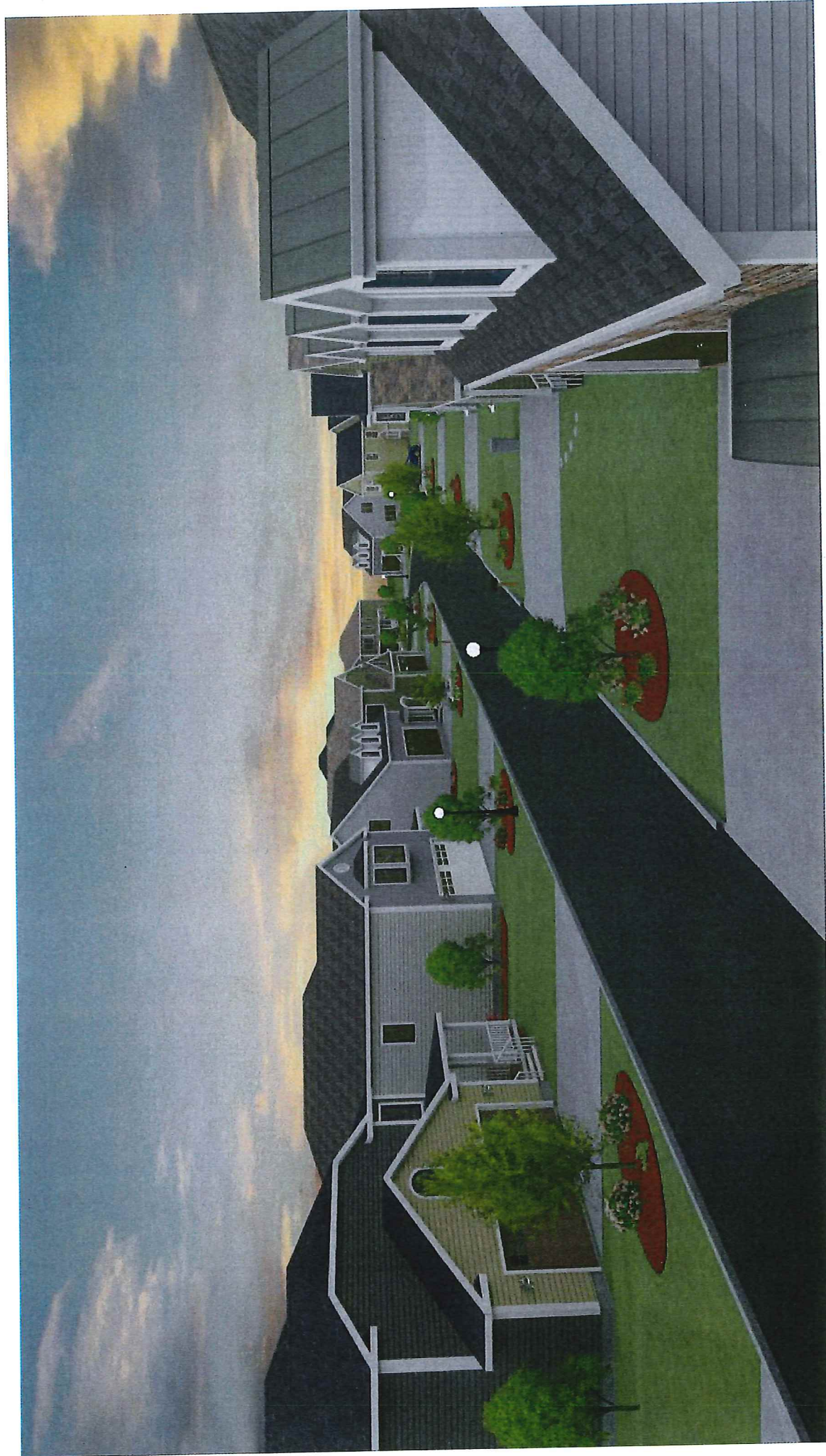
GRAPHIC SCALE

1" = 50'
 1" = 100'



Summer Street

PROPOSED RESIDENTIAL DEVELOPMENT
FRANKLIN, MASSACHUSETTS



SUMMER STREET
PROPOSALS:
STREET VIEW

135 MAIN STREET
SUITE #5
MEDWAY MA 02053





SUMMER STREET
PROPOSALS:
STREET VIEW

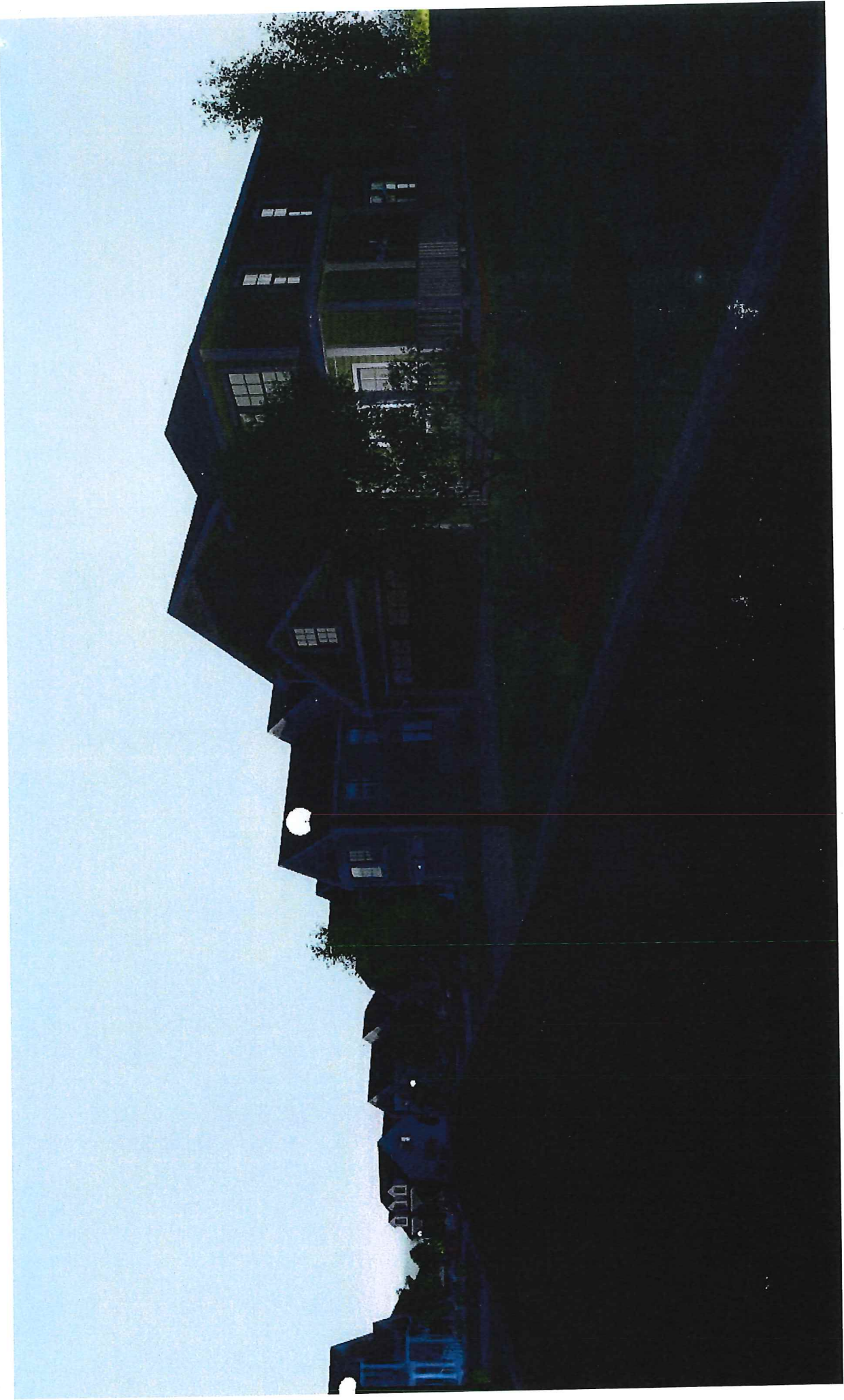
135 MAIN STREET
SUITE #5
MEDWAY MA 02053





135 MAIN STREET
SUITE #5
MEDWAY MA 02053

SUMMER STREET
PROPOSALS:
STREET VIEW (NIGHT)

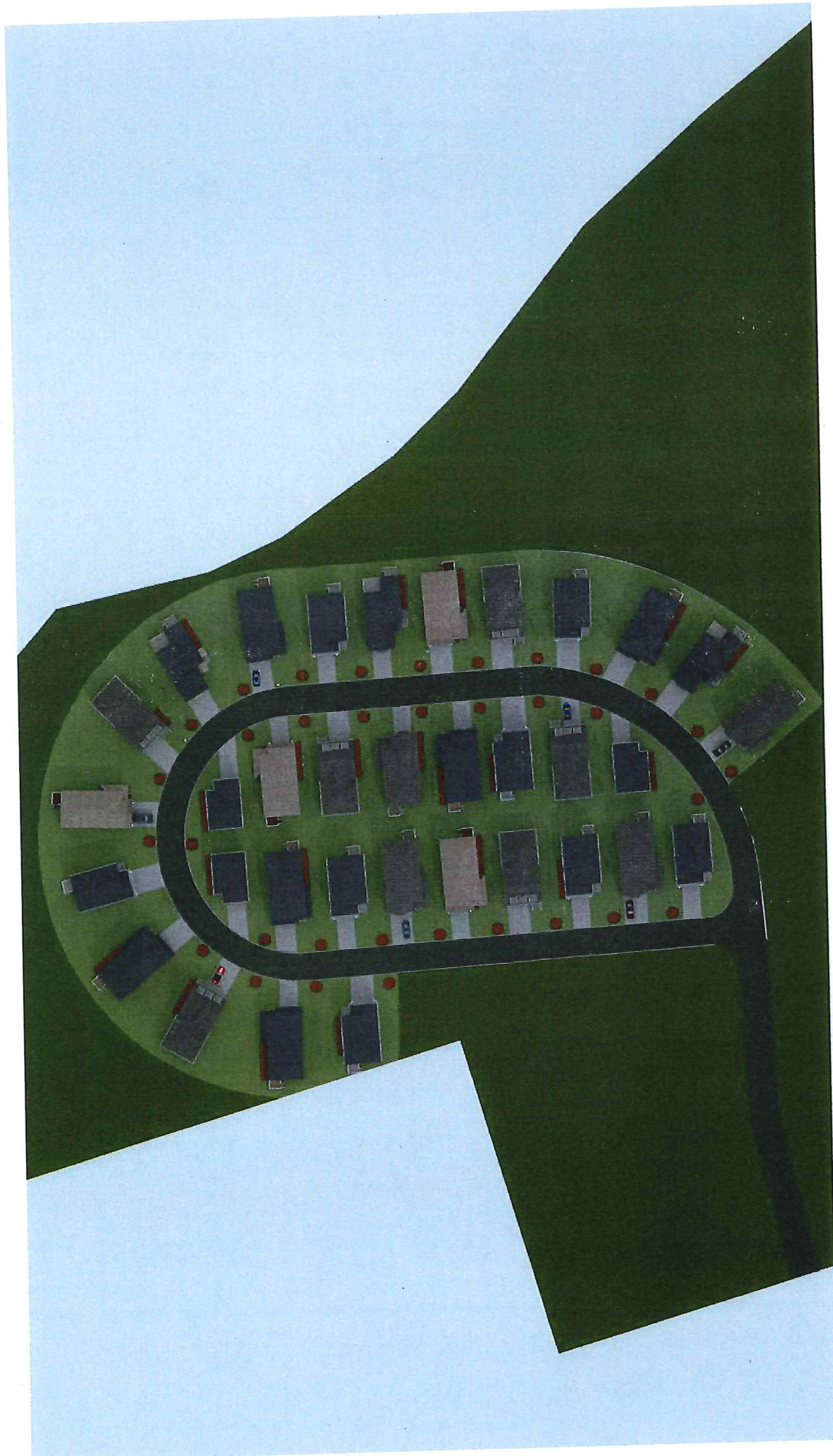




135 MAIN STREET
SUITE #5
MEDWAY MA 02053



SUMMER STREET
PROPOSALS:
STREET VIEW



SUMMER STREET
PROPOSALS:
SITE OVERVIEW (TOP)

135 MAIN STREET
SUITE #5
MEDWAY MA 02053





135 MAIN STREET
SUITE #5
MEDWAY MA 02053

SUMMER STREET
PROPOSALS:
SITE OVERVIEW (ORTHO)





135 MAIN STREET
SUITE #5
MEDWAY MA 02053



SUMMER STREET
PROPOSALS:
ELEVATION



SUMMER STREET
PROPOSALS:
ELEVATION

135 MAIN STREET
SUITE #5
MEDWAY MA 02053





SUMMER STREET
PROPOSALS:
ELEVATION

135 MAIN STREET
SUITE #5
MEDWAY MA 02053





SUMMER STREET
PROPOSALS:
ELEVATION

135 MAIN STREET
SUITE #5
MEDWAY MA 02053





135 MAIN STREET
SUITE #5
MEDWAY MA 02053

SUMMER STREET
PROPOSALS:
ELEVATION



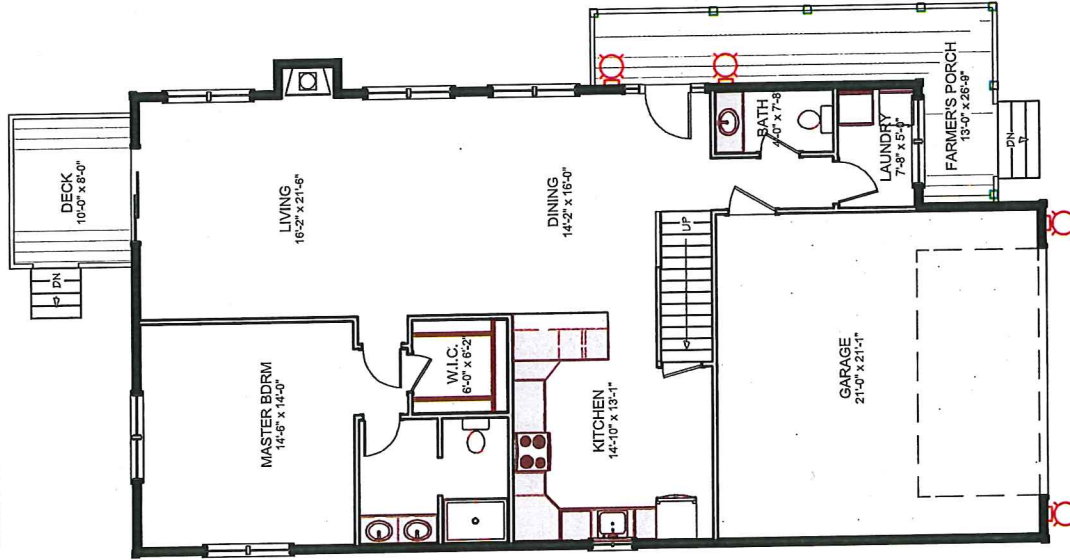
135 MAIN STREET
SUITE #5
MEDWAY MA 02053



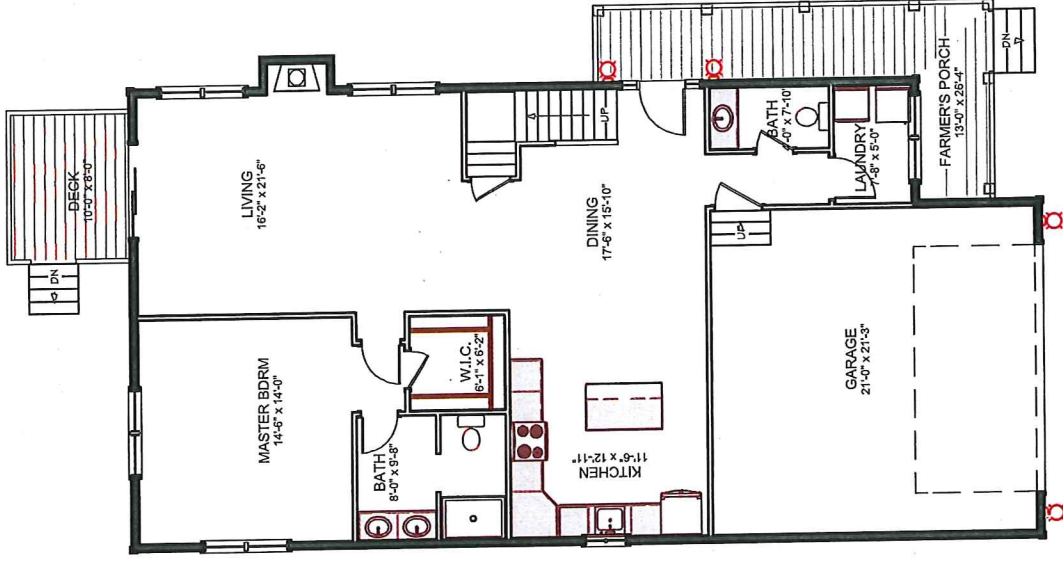
SUMMER STREET
PROPOSALS:
ELEVATION

FIRST FLOOR PLAN
60' OPTIONS

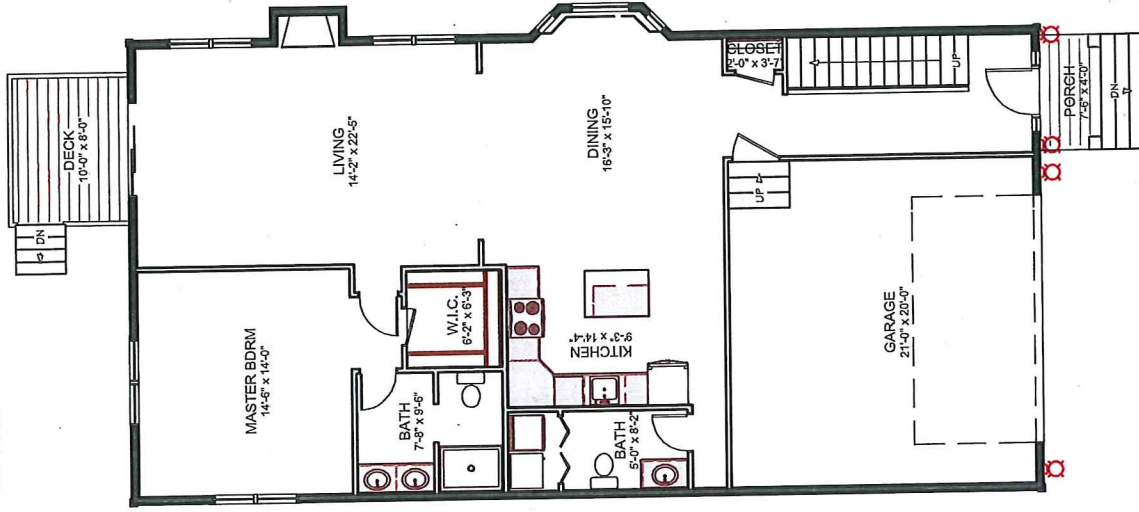
A) FIRST FLOOR MASTER
OPTION 1



B.) FIRST FLOOR MASTER
OPTION 2



C.) FIRST FLOOR MASTER
OPTION 3

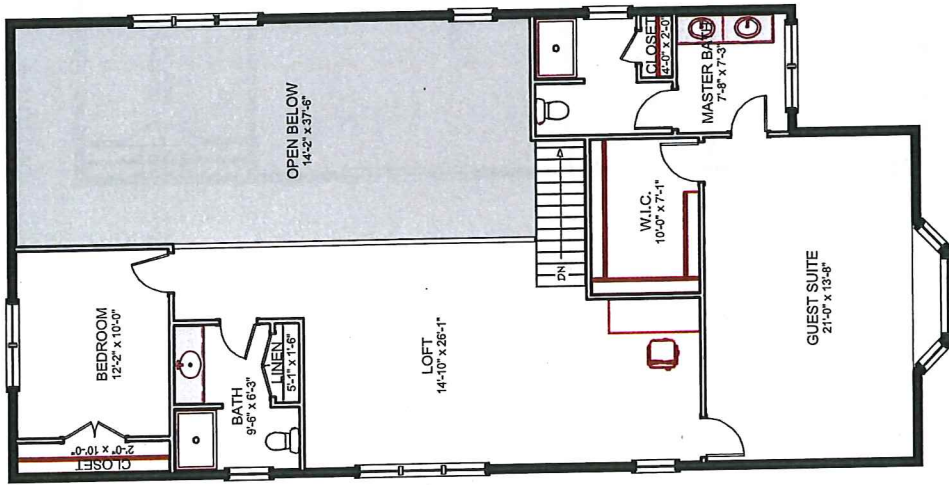


135 MAIN STREET
SUITE #5
MEDWAY MA 02053

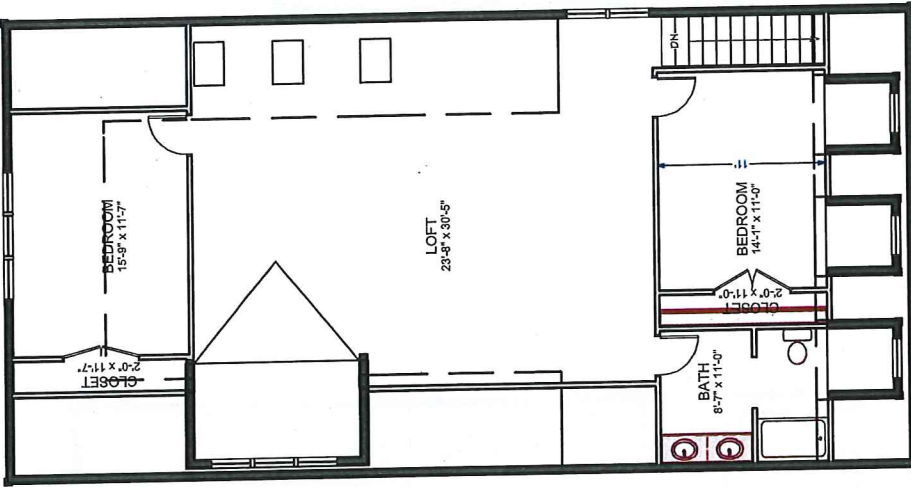
SUMMER STREET
PROPOSALS:
FIRST FLOOR PLAN
60' OPTIONS

SECOND FLOOR PLAN
60' DESIGN SAMPLING

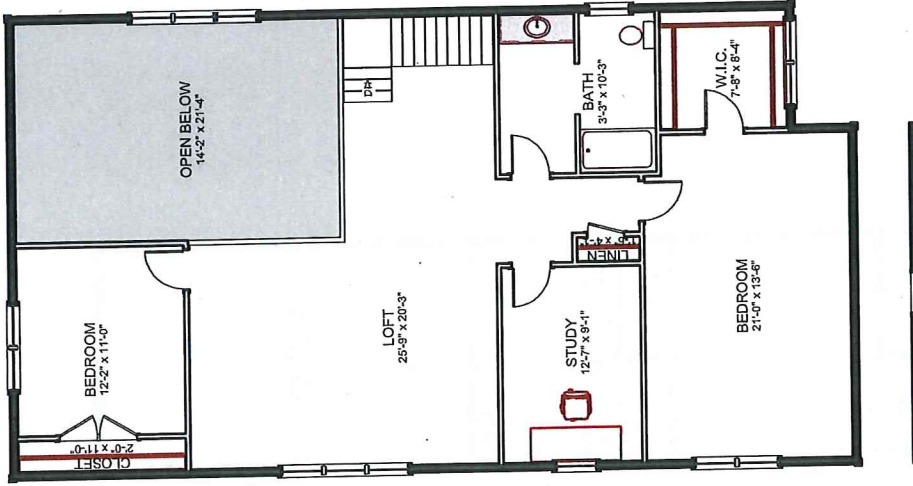
OPTION 1



OPTION 2



OPTION 3



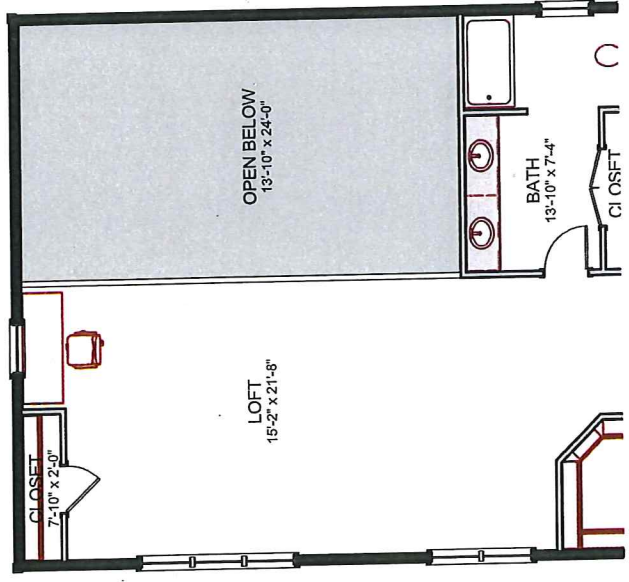
SUMMER STREET
PROPOSALS:
SECOND FLOOR PLAN
60' OPTIONS

135 MAIN STREET
SUITE #5
MEDWAY MA 02053

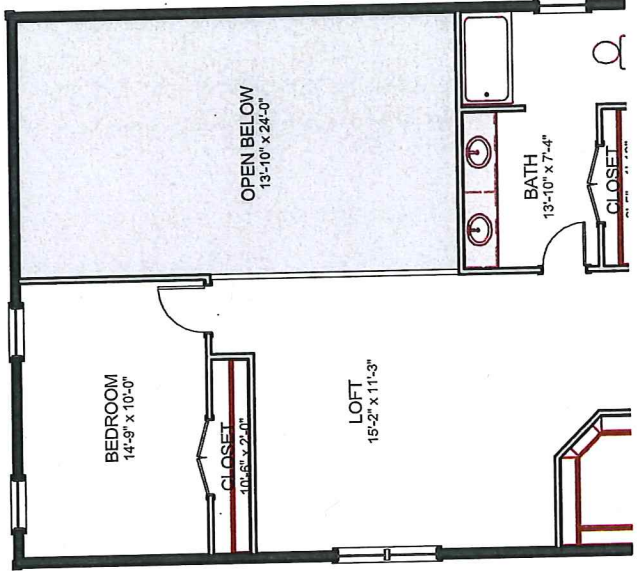


**MOST SECOND FLOORS HAVE
OPTIONS OF:**

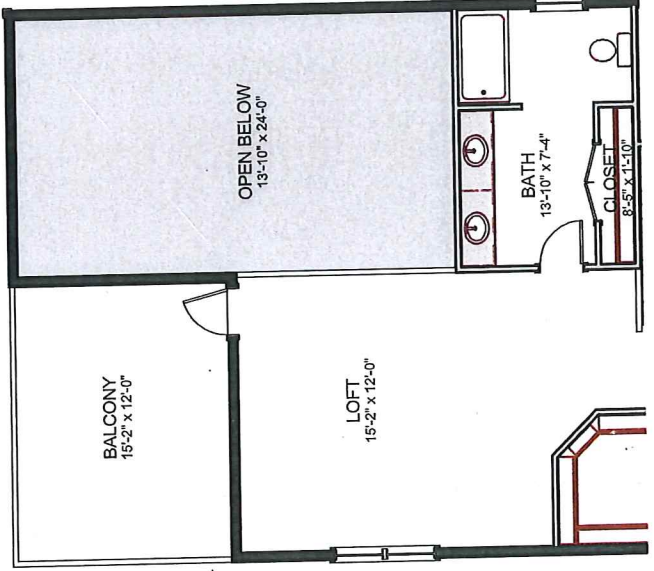
**OPTION A.) LARGE
LOFT SPACE (OPEN
TO BELOW)**



**OPTION B.) LOFT +
EXTRA BEDROOM**



**OPTION C.) LOFT +
BALCONY**

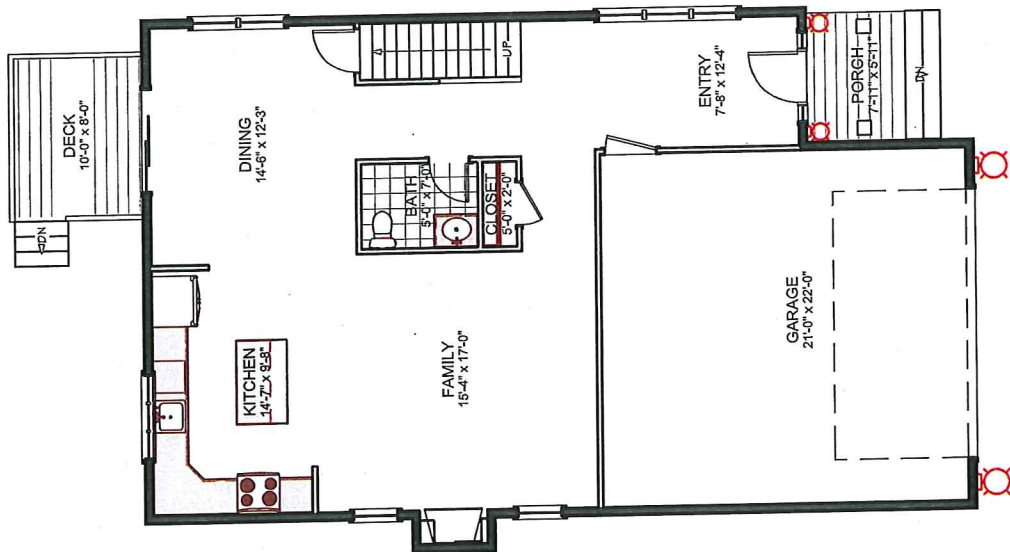


**135 MAIN STREET
SUITE #5
MEDWAY MA 02053**

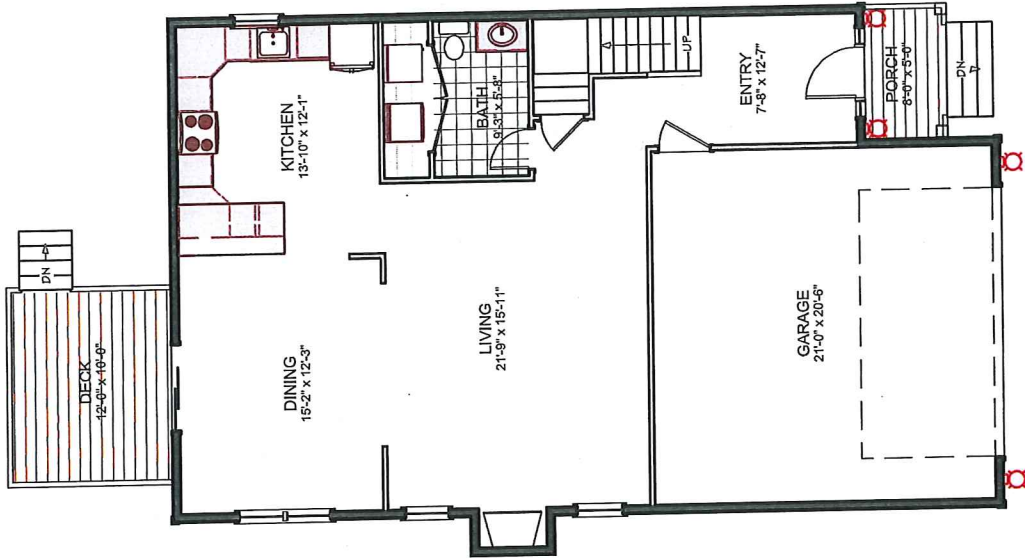
**SUMMER STREET
PROPOSALS:
SECOND FLOOR PLAN
VARIATIONS**

FIRST FLOOR PLAN
50' OPTIONS

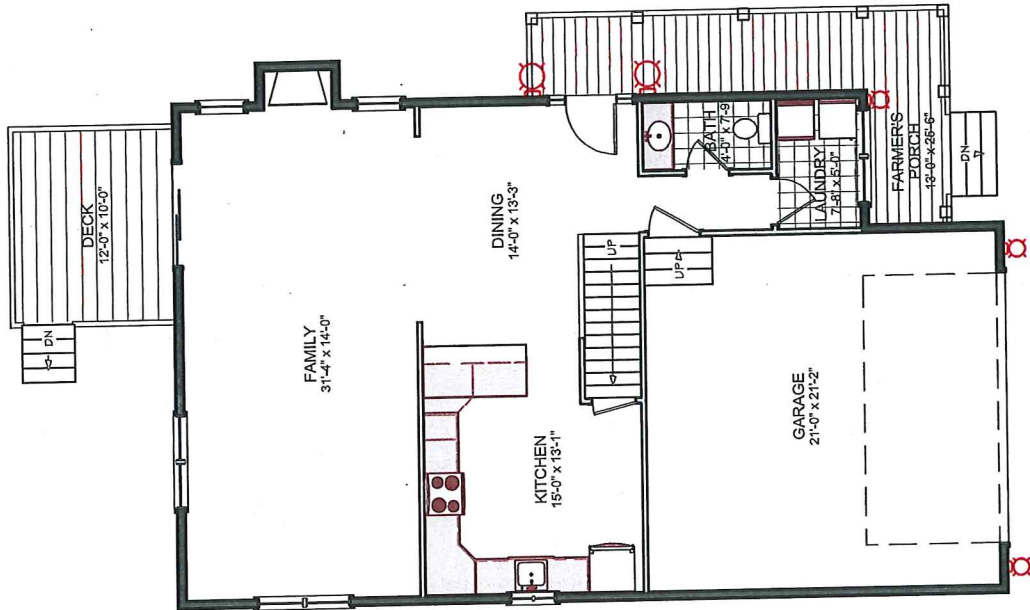
A) SECOND FLOOR MASTER
OPTION 1



B) SECOND FLOOR MASTER
OPTION 2



C) SECOND FLOOR MASTER
OPTION 3

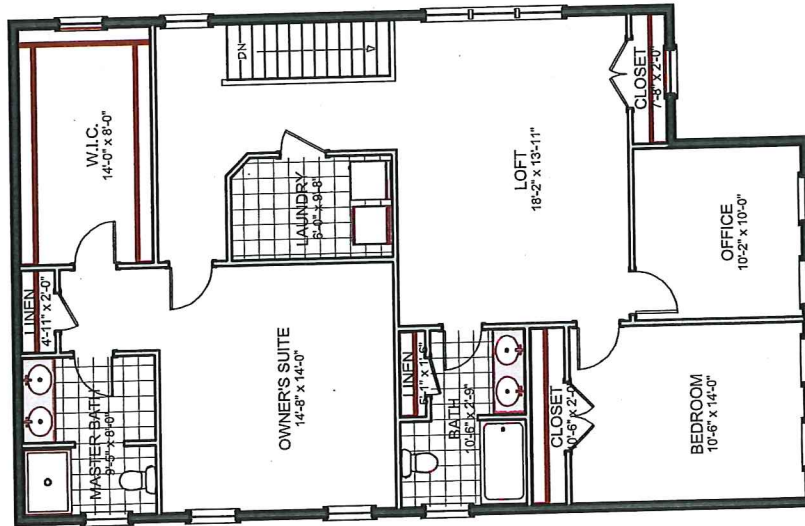


135 MAIN STREET
SUITE #5
MEDWAY MA 02053

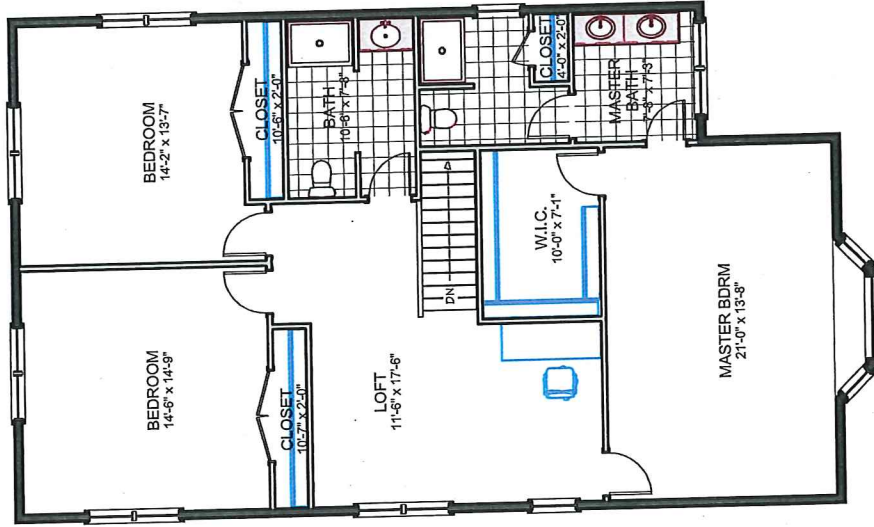
SUMMER STREET
PROPOSALS:
FIRST FLOOR PLAN
50' OPTIONS

SECOND FLOOR PLAN
50' DESIGN SAMPLING

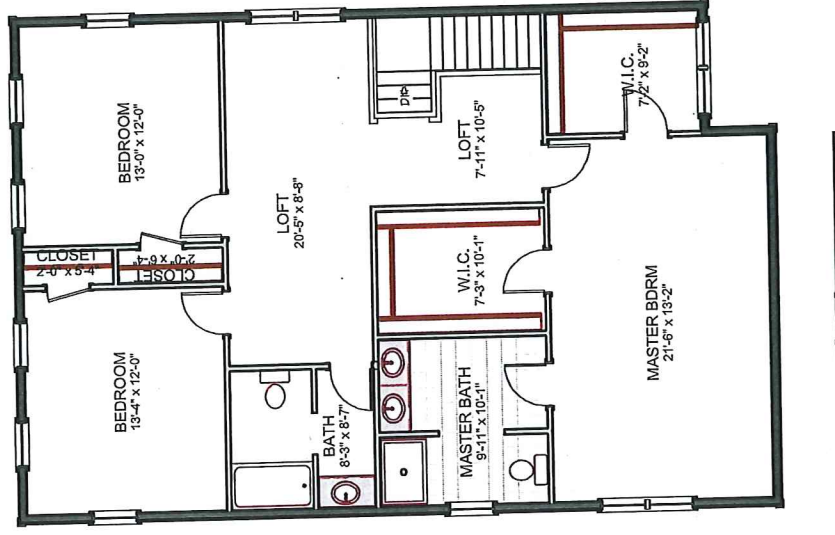
A) SECOND FLOOR MASTER
OPTION 1



B) SECOND FLOOR MASTER
OPTION 2



C) SECOND FLOOR MASTER
OPTION 3



SUMMER STREET
PROPOSALS:
2nd FLOOR PLAN
50' OPTIONS

135 MAIN STREET
SUITE #5
MEDWAY MA 02053

