



FRANKLIN TOWN COUNCIL

February 1, 2017

7:00 PM

A. APPROVAL OF MINUTES - January 18, 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 Police Officers

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

F. HEARINGS – 7:10 PM

1. *Zoning Bylaw Amendment 17-779: Changes to Chapter 185 Section 3 Definitions*
2. *Zoning Bylaw Amendment 17-780: Changes to Chapter 185 Section 4 Districts Enumerated*
3. *Zoning Bylaw Amendment 17-781: Changes to Chapter 185 Section 5 Zoning Map*
4. *Zoning Bylaw Amendment 17-782: Changes to Chapter 185 Section 7 Compliance required*
5. *Zoning Bylaw Amendment 17-783: Amendment to Chapter 185 Section 49 Marijuana Use Overlay District*

G. LICENSE TRANSACTIONS 7:10 PM

1. *Joe's American Bar & Grill – Change of Manager*

H. PRESENTATIONS/DISCUSSIONS

I. SUBCOMMITTEE REPORTS

J. LEGISLATION FOR ACTION

1. *Resolution 17-04: Acceptance of Grant of Utility (Drainage) Easements (majority vote (5))*
2. *Resolution 17-05: Request for Special Legislation, Re: Authorization for State to Convey Article 97 Land to Town (majority vote (5))*
3. *Zoning Bylaw Amendment 17-779: Changes to Chapter 185 Section 3 Definitions - 1st Reading (Motion to move Zoning Bylaw Amendment 17-779 to a 2nd Reading - majority vote)*
4. *Zoning Bylaw Amendment 17-780: Changes to Chapter 185 Section 4 Districts Enumerated - 1st Reading (Motion to move Zoning Bylaw Amendment 17-780 to a 2nd Reading - majority vote)*
5. *Zoning Bylaw Amendment 17-781: Changes to Chapter 185 Section 5 Zoning Map - 1st Reading (Motion to move Zoning Bylaw Amendment 17-781 to a 2nd Reading - majority vote)*

6. *Zoning Bylaw Amendment 17-782: Changes to Chapter 185 Section 7 Compliance required - 1st Reading (Motion to move Zoning Bylaw Amendment 17-782 to a 2nd Reading - majority vote)*
7. *Zoning Bylaw Amendment 17-783: Amendment to Chapter 185 Section 49 Marijuana Use Overlay District –1st Reading (Motion to move Zoning Bylaw Amendment 17-783 to a 2nd Reading - majority vote)*
8. *Bylaw Amendment 17-784: Repeal Sign Restrictions Bylaw – 2nd Reading (Motion to move Bylaw Amendment 17-784 – majority roll call vote (5))*
9. *Bylaw Amendment 17-785: Repeal of Sidewalk Snow and Ice Removal Bylaw - 2nd Reading (Motion to move Bylaw Amendment 17-785 – majority roll call vote (5))*

K. TOWN ADMINISTRATOR’S REPORT

L. FUTURE AGENDA ITEMS

M. COUNCIL COMMENTS

N. EXECUTIVE SESSION

O. ADJOURN

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
January 18, 2017**

A meeting of the Town Council was held on Wednesday, January 18, 2017 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: December 7, 2016, December 21, 2016, January 4, 2017. ► **MOTION** to **Approve** the December 7, 2016 meeting minutes by **Mercer. SECOND** by **Padula. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION** to **Approve** the December 21, 2016 meeting minutes by **Mercer. SECOND** by **Padula. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION** to **Approve** the January 4, 2017 meeting minutes by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

ANNOUNCEMENTS: ► Chairman Kelly announced the meeting is being recorded by *Franklin TV* and available for viewing on Comcast Channel 11 and Verizon Channel 29. This meeting may also be recorded by others.

PROCLAMATIONS/RECOGNITIONS: ► *Swearing in of Fire Fighters.* ■ Fire Chief Gary McCarraher introduced three new firefighters that will be serving the community: Becki Carloni, Katherine Forest, and Andrew Morris. He provided brief background and career information for each. ■ Teresa Burr, Town Clerk, performed the swearing in of Ms. Carloni, Ms. Forest, and Mr. Morris. ■ Significant people in their lives pinned on their badges of office. ■ Mr. Nutting stated the chief has recommended and we are processing the paperwork for four additional firefighters/paramedics; it will take about another month or so to work through. ■ Chairman Kelly welcomed the new firefighters and stated the Town was proud to have them.

Chairman Kelly called a two-minute recess.

CITIZEN COMMENTS: *None.*

APPOINTMENTS: ► *Finance Committee.* Ms. Pfeffer read the appointment. ► **MOTION** to **Appoint** David Wiech to serve as a member of the Finance Committee with an expiration of June 30, 2017 by **Pfeffer. SECOND** by **Mercer. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

HEARINGS: *None.*

LICENSE TRANSACTIONS: ► *99 Restaurant, Change of Manager.* Ms. Pfeffer read the license transaction. ► **MOTION** to **Approve** the request by 99 Restaurants of Boston for a change of manager to Asta Hodge by **Pfeffer. SECOND** by **Jones. Discussion:** ■ Mr. Nutting stated all the paperwork was in order and Ms. Hodge was present to answer any questions. ■ In response to a question, Ms. Hodge stated she had held a previous license at the 99 Restaurant in Seekonk. ► **VOTE: Yes-9, No-0, Absent-0.**

PRESENTATIONS/DISCUSSIONS: ► *Communications and Civic Engagement.* ■ Mr. Glenn Jones, Town Council Member and Communications Liaison, and Mr. Jamie Hellen, Deputy Town Administrator, addressed the Town Council and narrated a slideshow presentation. Mr. Jones noted the

task of the committee is to improve communications between the town administration and the community. He stated he worked and met regularly with Mr. Hellen, Peter Fasciano of Franklin TV, Steve Sherlock of Franklin Matters, and others. ■Mr. Hellen reviewed various communications and civic improvements made in 2016 and the goals for 2017. He reviewed challenges such as the fragmented information network, high expectations in wanting answers to everything right away, staff time constraints, varying levels of proficiency and interest in technology, and patience. He stated he met with many individuals for input and began a draft Communications & Civic Engagement Master Plan. Goals and accomplishments for 2016 included increase coordination and expand outreach and increase social media presence. Other achieved goals have been to provide Town Council “Action Taken,” maintain website content, complement Franklin TV’s programming with monthly news magazine, and develop strategic technology infrastructure plan. He reviewed the 2017 goals and strategies which he stated were mostly the same as 2016, just with different ideas. For instance, he wants to do a welcoming letter from the Town Council to new homeowners in town welcoming them to the community. He stated all the town departments do a great job with outreach and he would like to increase social media presence by 25%. Will continue to look at and update website as well as collaboration with Franklin TV. The big challenge this year will be the transition from current email system to Google. He reviewed the e-permitting system and some of the new features on the website. He noted that the real objective was to get to a point that people could search through Google for just about anything. ■Mr. Peter Fasciano, Franklin TV, discussed some programming at Franklin TV including the *Franklin Almanac* and the radio station. He created *Franklin Almanac*, similar to Channel 5’s *Chronicle*. He has hired one full-time and two part-time employees. He noted Franklin TV has the ability to promote profit-making businesses provided they do not sell anything. He stated a good local economy is good for everyone; therefore, he makes sure they do what they can to help local businesses. ■Ms. Polikseni Manxhari, Franklin TV journalist, provided information on her background. She stated her goal as host of *Franklin Almanac* is to provide information about the Town of Franklin. ■Mr. Jones thanked everyone who helped this year; it has been a great year for what was accomplished. He hopes everyone tunes into Franklin TV and the new Franklin public radio station which will be available 24/7 with about an eight-mile radius. ■Ms. Pfeffer mentioned that not all senior citizens have social media access, and asked how is this information getting out to them? ■Mr. Hellen stated Karen at the Senior Center does a great job with the Senior Connection newsletter. He recognizes that not everyone is connected through social media, that is why the print media in this area such as Milford Daily News and Gazette are important. Also, Franklin TV is available as well as the Franklin radio station. ■Mr. Vallee stated he is very impressed with what has been accomplished. ■Mr. Mercer confirmed there will be a TV at the Senior Center. There are also 20 computers at the Senior Center and they teach seniors to use social media. ■Mr. Padula stated Mr. Fasciano is second to none. ■Mr. Dellorco stated they are doing a great job. ■Mr. Jones stated they are all doing their best and invited the community to be engaged and take advantage of all that is available.

SUBCOMMITTEE REPORTS: *None.*

LEGISLATION FOR ACTION:

- 1. *Resolution 17-01: Acceptance of Gift to the Library (majority).*** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 17-01: Acceptance of Gift to the Library from Leonard S. French by **Mercer. SECOND** by **Dellorco. Discussion:** ■Chairman Kelly, on behalf of the Town of Franklin and the Town Council, thanked Mr. French for his generous donation. ► **VOTE: Yes-9, No-0, Absent-0.**
- 2. *Resolution 17-02: Acceptance of Gift to the Council on Aging (majority).*** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 17-02: Acceptance of Gift to the Council on Aging from the Fletcher Hospital Corporation by **Mercer. SECOND** by **Dellorco. Discussion:** ■Chairman Kelly, on behalf of the Town of Franklin and the Town Council, thanked them for their generous donation.

► **VOTE: Yes-9, No-0, Absent-0.**

3. **Resolution 17-03: Appropriation, Administration: GASB 45/75 Actuary Study (majority).** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 17-03: Appropriation, Administration: GASB 45/75 Actuary Study, for the sum of \$9,000, by **Mercer. SECOND** by **Dellorco. Discussion:** ■Mr. Nutting stated every two years it is required to do an actuarial study of the unfunded liability. It was last done in 2015; it will be done in 2017. A report will be made once the study is complete.
► **VOTE: Yes-9, No-0, Absent-0.**

Mr. Bissanti recused himself.

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).** Ms. Pfeffer read the zoning bylaw amendment. **MOTION to Move** Zoning Bylaw Amendment 16-775: Zoning Map Changes from Rural Residential I to Residential VII an Area on Summer Street by **Mercer. SECOND** by **Padula. Discussion:** ■Mr. Nutting stated this is a citizen's petition, they are represented by counsel. ■Ms. Sally Winters, 486 Summer Street, stated that she understood the applicant needed to do a traffic analysis and asked why was that not done. She stated that when she first got the plan the access road was going to be next Bruce Hunchard's house; later the access road was shown to be alongside her driveway. She stated that as noted in her letter, her home is 50 ft. away from the lot line; her well is 35 ft. away from the lot line. She will be facing construction traffic day and night and will never have privacy again. She is concerned about the surface water affecting the wetlands; she is concerned about her well water. There is no justification to allow the rezoning in this Rural Residential zone. The proposed zoning singles out one parcel for the economic benefit of the owner. And, the owner of the property does not plan to use the rezoned property for himself, but to sell the property to a developer. She stated there is no comparison to the Cook's Farm rezoning and development situation; this is totally different. She has over 250 signatures of opposition. ■Chairman Kelly stated the traffic analysis would be done under the Planning Board; this is zoning. He noted that her water runoff and access issues would also be with the Planning Board. The Town Council does not have that authority. ■Dr. Vicki Bartolini, 850 Summer Street, stated she also collected names on a petition. She has lived there for 40 years. They chose to live there for the rural environment and intentionally chose not to live in a more developed area. They lived without town water, sewer and sidewalks to maintain this quality of life. She does not want to see Summer Street become like Upper Union Street. She reviewed the Master Plan updated from Dec, 27, 2016 which commented on open space and protection of ecological resources. By developing further along Summer Street, these very aspects of the Master Plan will be undermined. Is this right for our children and grandchildren in not protecting the green space? ■Ms. Kimberleigh Bearce, 493 Summer Street, explained they bought their land and moved to Summer Street as it was a much quieter area. She stated there is already too much traffic on Summer Street. Another 34 units is too much. Wildlife will be pushed out of their environment. Please think about what is best for the residents and not what is best for one or two people. Who is going to benefit from this? None of us from Summer Street and the area are going to benefit from this. This is not what members of the Town Council would want where they live in their neighborhoods. ■Mr. Kurt Lovell, 711 Summer Street, stated he spoke with many Town Council members and hundreds of Franklin residents about this rezoning. He stated it has been discussed that the Town is not at the 10 percent for low income housing. Most of the feedback he seemed to get from the Town Council is that they were in fear of what could go there. He fears that they are creating a monster in voting for this because it will invite any person who has five acres or more to come to the Town Council and ask to be rezoned to RVII or they will put in low-income housing. He requested the Town Council to vote No. Do we want to have spot-zoning all over Franklin or should the Town be more restrictive? ■Ms. Eileen Mason, 62 Beaver Street, questioned where is the need? Why does someone need to put 34 units in on 11 acres when they are already allowed to put about 7

units on 11 acres. Where is the need that this landowner has to put in 34 units and disrupt the entire community and the entire neighborhood? There is no reason to do it besides financial gain for the landowner. She requested the Town Council vote No. ■Mr. James Gianotti, 2 Woodchester Road, asked for clarification from the town attorney and Mr. Nutting. It was said at the last meeting that there was nothing the town could do if the developer decided to do 40B. He stated his research shows that year after year there have been towns going against the state in court and the overwhelming majority come to a no-decision; the town and the developer get together and figure it out. There are wins and losses, so we need a clearer definition than was provided last meeting that there was nothing that could be done if they do a 40B. He stated that if a Town Council member is a real estate developer and they vote on this tonight they are setting precedent for their market opportunity to grow which it is a conflict of interest. He suggested Mr. Vallee take over as chairman for this agenda item. ■Ms. Beth Wierling, 5 School Street, stated she would like to tell Ms. Pfeffer that her argument that the 40B is inevitable and it is going to happen and that it can be prevented if the Town Council votes Yes for this project is a poor argument because the town is not close to 10 percent; a 40B can go somewhere else. Whether the vote is yes or no, the town is still going to have a 40B issue which has not been addressed yet. The housing plan is out of date; the Master Plan is not encouraging this type of housing. She highly recommended they vote No on this. In addition, she stated that she had heard throughout the years many Town Council members indicate that they need to think of the greater good for the town and that when people don't come to meetings they think of that as people not being interested. But, there is a roomful of people here tonight telling the Town Council what they want. ■Mr. Richard Cornetta, attorney representing Mr. Mounir Tayara, Principal of Grandis Homes/applicant/potential developer of this property, stated through this process they have been listening to the Town Council's comments and the comments of members of the neighborhood that have spoken during the public hearing. They have had a meeting with the Town Administrator in which they discussed the sidewalk. Mr. Tayara has committed to extend the sidewalk 5,000 ft. so it will connect to King Street making a connection to the open space area and the downtown area. He said this would enhance one of the main tenets of the Master Plan which is to revitalize and enhance the downtown area. Public safety is a prevailing issue regarding traffic. He noted it was a heavily travelled road and a sidewalk would provide an asset to the neighborhood. He asked the Town Council to take that into consideration. He discussed the net positive benefit to the town each year at approximately \$250,000. ■Mr. Kurt Lovell, 711 Summer Street, asked if the \$250,000 the town is said to make each year is assuming that the families living in the 34 units are going to have no children and no schooling? ■Mr. Cornetta stated the calculations were based on .3 children per three-bedroom home. ■Ms. Kim Spelman, 6 Great Pond Road, stated that \$250,000 revenue is really a non-issue. Revenue is something already taken into consideration when the Master Plan was put forth and when zoning is put forth. If we are even going to consider revenue, then every inch of this town is going to be developed. It should not be an issue. ■Ms. Deborah Lovell, 711 Summer Street, asked the Town Council to please think about the residents of Franklin before they decide to do this. She stated everyone she talked to when she was out getting signatures could not believe the Town Council would let this happen. Please think about the residents. They put the Town Council members in because they thought the Town Council would think about the residents. Don't let the residents down. ■Ms. Brianne Sanders, 482 Summer Street, stated she has lived on Summer Street for less than one year, but they bought the house for the land, the country atmosphere and nature. She does not think they need a place to attract more people that want sidewalks and want to be close to town to walk to the train station. Summer Street is a special place; it doesn't all need to be concrete. ■Ms. Linda Rondeau, 5 Squibnocket Road, stated that 15 years ago when the area was redistricted, they were told there would be no free busing to school although there were no sidewalks on Summer Street for children to get to school safely. They were told by the administration that it was their job to get their children to school safely. Why were there no sidewalk provisions considered then, but when a developer comes up with this and wants to put sidewalks in, it is being considered? ■Ms. Paula Renkas, 744 Summer Street, resident for over 31 years, stated that every summer there is a water

shortage. On Summer Street, they all have their own wells and septic systems. She asked how are they going to put in 34 units on 11 acres with water and sewer provided by the town. Where is the water coming from? ■Ms. Pellegrini stated she spoke at the public hearing and the first reading, and she is in agreement with everything the citizens have said. She believes in treating people as you would want to be treated yourself. She stated the Town Council was elected to represent the citizens of Franklin. There are people here tonight who are passionate about their land, where they live, and why they moved to that area. She stated the town would not gain one thing by passing this tonight; the applicant would be the one that would gain from this. She is not opposed to the applicant building there; they can build 11 houses. She stated Town Council members would not like it if it was happening to them. She begged her fellow Town Council members to go along with the reasoning provided by the residents. ■Mr. Dellorco stated he has reviewed the land as well; he stated he believes Zone VII stinks. Something has to be done in this town to change it or re-do it. This is awful. He asked Mr. Nutting to answer the previous question about 40Bs and the water issue. Are we going to have enough water? ■Mr. Nutting stated that under the General Laws of the Commonwealth, the town does not have 10 percent of its housing stock as affordable as defined by the Commonwealth. Someone can develop a piece of property and usurp all zoning in the community until the town gets to 10 percent; currently the town is at 9.3 percent. Done right and proper they can be an asset to the community. Until the town does get to 10 percent, every piece of property in Franklin is exposed to the development of 40B. As far as water is concerned, the DPW continues to do work. He stated he does not foresee the water restrictions going away. They are looking at a \$6 million investment in a water treatment plant for Wells #3 and #6 in the next couple of years to ensure sufficient water. Cannot tell people what the weather will be such as the drought. Will continue to be vigilant on water consumption. He noted there are about 280 apartments going on about 20 acres in Franklin; the density is different for apartments, condominiums and single-family homes. ■Mr. Cerel stated there are other considerations with 40B: there is a lot of paperwork, there is a lot of state oversight, and there is a cap of 20 percent profit that the developer can make; that can be discouraging if looking to maximize profit. ■Mr. Padula asked if a 40B could go in regardless of the water situation. ■Mr. Nutting stated if there is water available, then there is no restriction. ■Mr. Dellorco stated it is Bruce's property and he is free to develop it. He stated the road was not going to go in next to Sally and that other direct abutters do not have a problem with the development. He stated he does not know if they can refuse this as he has more than five acres. ■Mr. French asked if this is put through, maybe this is what he should do with Maplegate Country Club: divide it into five-acre lots and put in thousands of houses and that is what can happen very quickly. He would probably never do it, but there are many other people in town that may divide up their land into five-acre lots and then what? ► **ROLL CALL VOTE:** Dellorco-NO; Jones-NO; Kelly-YES; Mercer-YES; Padula-YES; Pellegrini-NO; Pfeffer-YES; Vallee-YES. ► **VOTE: Yes-5, No-3, Absent-0. Fails.**

Mr. Bissanti re-entered the meeting.

TOWN ADMINISTRATOR'S REPORT: ► Mr. Nutting stated the Massachusetts Municipal Association puts out a state-wide quarterly publication, *The Advocate*. One of the lead articles was about Franklin and the great work Mr. Hellen and the communications folks have done. He congratulated the hard work on this and other efforts put forth by Mr. Hellen in his year here. ► It is budget season and they are collecting budgets from department heads for review. He anticipates a budget that will be balanced, but they will begin to struggle. Does not think state aid will be very encouraging and health insurance across the country is a major issue; looking at significant increase, possibly \$1 million. Only receive \$2.7 million in new revenue each year. So, that is going to continue to be a challenge as well as OPEB and maintaining high quality services. Will collect all information and work with FinCom during the spring and deliver it to the Town Council. Foresee that 2018 will be all set, but 2019 will begin to be difficult struggle on the decision front for the Town Council as expenses may outpace revenues at that point. They will work hard with everyone.

FUTURE AGENDA ITEMS: ► Ms. Peffer stated she thinks the Town Council should re-look at Zoning VII. ► Mr. Nutting stated they were putting together a workshop. ► Ms. Pellegrini stated she would like to see something on the agenda for the old museum to be able to discuss uses.

COUNCIL COMMENTS: ► Mr. Mercer stated the Senior Center elevator was approved. ► Mr. Dellorco gave condolences to both the Cornetta family and the Tucci family for their losses.

EXECUTIVE SESSION: *None.*

ADJOURN: MOTION to Adjourn by Mercer. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 8:41 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

HEARING – 7:10 PM

(PAPERWORK UNDER LEGISLATION FOR ACTION)

1. ZONING BYLAW AMENDMENT 17-779:
AMENDMENT – CHP 185-3, DEFINITIONS
2. ZONING BYLAW AMENDMENT 17-780:
AMENDMENT CHP 185-4, DISTRICTS
ENUMERATED
3. ZONING BYLAW AMENDMENT 17-781:
CHP 185-5, ZONING MAP: MARIJUANA
USE OVERLAY DISTRICT
4. ZONING BYLAW AMENDMENT 17-782:
CHP 185-7, COMPLIANCE REQUIRED: USE
REGULATIONS SCHEDULE
5. ZONING BYLAW AMENDMENT 17-783:
CHP 185-49, DESCRIPTION OF
MARIJUANA USE OVERLAY DISTRICT

Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



Planning Board
355 East Central Street
Franklin, Massachusetts 02038-1352

January 24, 2017

Teresa M. Burr, Town Clerk
Town of Franklin
355 East Central Street
Franklin, MA 02038

RECEIVED
2017 JAN 24 PM 1:06
TOWN OF FRANKLIN
TOWN CLERK

CERTIFICATE OF VOTE

Zoning By-Law Amendments:

17-779: §185-3, Definitions

17-780: §185-4, Districts Enumerated

17-781: §185-5, Zoning Map: Marijuana Use Overlay District

17-782: §185-7, Compliance Required: Use Regulations Schedule

17-783: §185-49: Description of Marijuana Use Overlay District

Petitioner: Town Administration

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, January 23, 2017 the Planning Board, upon motion duly made and seconded, voted (5-0) to recommend, *as presented*, the Zoning By-law Amendments #17-779, 17-780, 17-781, 17-82 and 17-783, changes to Chapters 185-3, 4, 5, 7 and 49, Medical Marijuana zoning bylaws.

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

Sincerely,

Anthony Padula
Chairman

cc: **Town Council**
Town Administrator
DPW
File



License Transactions:

Joe's American Bar & Grill

The applicant is seeking a change of Manager on their alcoholic beverages license to Michael Steven Botelho.

MOTION to approve the request by Joe's American Bar & Grill for a change of Manager to Michael Steven Botelho.

DATED: _____, 2017

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

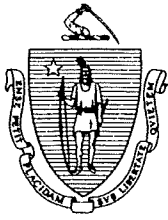
ABSTAIN _____

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
 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)

LICENSEE NAME

ADDRESS

CITY/TOWN STATE ZIP CODE

TRANSACTION TYPE (Please check all relevant transactions):

- Alteration of Licensed Premises
- Change Corporate Name
- Change of License Type
- Change of Location
- Change of Manager
- Other
- Cordials/Liqueurs Permit
- Issuance of Stock
- Management/Operating Agreement
- More than (3) \$15
- New License
- New Officer/Director
- New Stockholder
- Pledge of Stock
- Pledge of License
- Seasonal to Annual
- Transfer of License
- Transfer of Stock
- Wine & Malt to All Alcohol
- 6-Day to 7-Day License

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

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, percentage of interest

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:

Proposed: BBRG TR, LLC d/b/a Joe's American Bar & Grill, 466 King Street, Franklin

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

<input type="checkbox"/> Officer	<input type="checkbox"/> Sole Proprietor
<input type="checkbox"/> Stockholder	<input type="checkbox"/> LLC Manager
<input type="checkbox"/> LLC Member	<input type="checkbox"/> Director
<input type="checkbox"/> Partner	<input type="checkbox"/> Landlord
<input type="checkbox"/> Contractual	<input type="checkbox"/> Revenue Sharing
<input type="checkbox"/> Management Agreement	<input type="checkbox"/> 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
6/2016-Present	General Manager	Joe's American Bar & Grill	466 King Street, Franklin, MA	(508) 553-9313
3/2015-6/2016	General Manager	Coach Grill	55 Boston Post Road, Wayland, MA	(508) 358-5900
2013-2015	Paisano Partner	Buca di Beppo	7 Boston Turnpike, Shrewsbury, MA	(508) 792-1737
2012-2013	General Manager	Chapel Grille	3000 Chapel View, Cranston, MA	(401) 944-4900
2011-2012	General Manager	Sea Dog Steak & Ale	318 Main Street, Northborough, MA	(508) 466-8531

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

APPLICANT'S STATEMENT

I, Jefferson R. Voss the: sole proprietor; partner; corporate principal; LLC/LLP member
Authorized Signatory

of BBRG TR, LLC, hereby submit this application for a change of Manager of Record
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:

10/13/2014

Title:

LLC Manager

BBRG TR, LLC
Certificate of Vote

~~September~~ ^{OCTOBER} 13th, 2016

At a meeting of BBRG TR, LLC, a foreign limited liability company registered to conduct business in the Commonwealth of Massachusetts (the "LLC"), held at 466 King Street, Franklin, MA 02038 on the 13 day of ~~September~~ ^{October} 2016, it was duly voted as follows:

VOTED: That the LLC apply to the Franklin Town Council for a Change of Manager of Record for the license exercised on the premises located at 466 King Street, Franklin, MA 02038 (the "Application").

VOTED: To authorize **Jefferson R. Voss** to sign the Application for the license in the name of BBRG TR, LLC and to execute on its behalf any necessary papers, and to do all things required relative to the granting of the Application.

VOTED: To appoint **Michael Botelho** of _____ Massachusetts as its manager of record, with as full authority and control of the premises described in the license of the Corporation and of the conduct of all business therein relative to alcoholic beverages as the licensee itself could in any way have and exercise if it were a natural person resident in the Commonwealth of Massachusetts and that a copy of this vote duly certified by a LLC Manager of the LLC and delivered to said manager or principal representative shall constitute the written authority required by M.G.L. c. 138, §26.

This is to certify that a majority of the members of BBRG TR, LLC an LLC duly organized under the laws of Florida are citizens of the United States.

This LLC has **NOT** been dissolved.

A TRUE COPY
ATTEST



Jefferson R. Voss
Its: LLC Manager
Duly Authorized

MICHAEL S. BOTELHO

SUMMARY OF QUALIFICATIONS

Successful professional qualified by twenty years of achievements in the hospitality industry. Offering a tradition of performance excellence in public relations, enhancing visibility in market place and generating high-dollar profits.

PROFESSIONAL EXPERIENCE:

Tavistock Restaurant Collection

March 2015-Present

General Manager

Coach Grill in Wayland 3/2015-6/2016

Joe's American Bar and Grill in Franklin 6/2016 to present

Buca di Beppo Italian Restaurant

2013 – 2015

Paisano Partner

Shrewsbury, Massachusetts

Responsibilities Include:

- Sales of 2.0 million annually
- Driving "Top-Line Sales" and providing an "Over the Top" celebratory dining experience
- Food, beverage and labor cost management
- Food quality and service performance to create "Raving Fans" and repeat guests
- Industry "Best Practice" operating systems and application
- Employee retention through on-going training, nurturing and development of family members with a 'firm, but fair management style

CHAPEL GRILLE

2012-2013

General Manager

Cranston, Rhode Island

- Recognized by the *Rhode Island Monthly Magazine* for "Wine Menu of the year 2013"
- Implemented new service standards by developing the new cycle of service for all Staff
- Developed and implemented several current Standard Operating Procedures
- Assisted in developing a new Employee Handbook with the director of Human Resources
- Developed the current drink menu, including Iconic Cocktails, a list of over 100 Wine varieties from around the world, as well as a creative craft beer list
- Promoted and developed the Head Server
- Promoted and guided a Staff Member to establish training materials for the Front of the House for each workgroup
- Successfully worked with the Staff and Management Team in repairing a distressed restaurant that has since won several awards in Rhode Island
- Increased the rating on Open Table from 2.7 stars to 4.2 stars in less than a year
- Managed all aspects of the budget
- Managed a restaurant that seats over three hundred for a la carte dining while simultaneously managing and directing private dining events (i.e. weddings, pharmaceutical dinners, awards banquets, showers, etc.)
- Assisted in several Marketing campaigns and ideas

2011 to 2012

SEA DOG STEAK & ALE

Northborough, Massachusetts

GENERAL MANAGER

- Opened the restaurant with three weeks to hire the Staff, prepare all Vendor applications, assist with the menu creation, set up all hiring standards, and succeeded in opening the first restaurant of its type for Bostonian Hospitality
- Prepared cost analysis for the entire menu, including a full service bar and extensive wine list
- Implemented two menu revisions including creating and proofing all menus
- Hired all employees including Managers, Supervisors and hourly Staff
- Handled all licensing and applicable applications
- Worked with the Community supporting multiple fundraising events
- Assisted in creating the drink menu and wine menu
- Received recognition from the Worcester Telegram and Gazette, The Community Advocate, Pulse Magazine, and Northborough patch for excellence in operations

2004 to 2010

THE CHEESECAKE FACTORY

Natick, Massachusetts

GENERAL MANAGER

- Led a staff of over 100 in all daily restaurant operations that grosses over \$10 million annually in F&B sales and retail operations.
- Specialize in a variety of eclectic cuisine and serving lunch/dinner offerings seven days a week; accommodates up to 400 guests at any given time.
- Orchestrate menu changes twice a year based on guest trends/preferences and seasonal considerations.
- Recognized by the Senior Vice President for outstanding operational and financial results of the restaurant in 2009
- Extensive profit/loss experience in standardization of portions and implementation of labor cost controls, documents end-of-month, daily and weekly transactions; prepared bi-weekly payroll. Prepared annual restaurant's budget.
- Recognized for cultivating long term, stable staff with team-player philosophies; credited with increasing revenues in 2009 over 2008 by increasing customer base and average check in a fragile economy
- Managed a Staff of over 200 and a Management Team of 10.
- Awarded Employer of Choice by the Massachusetts Rehabilitation Commission 2009 and 2010.

2001 to 2004

KAHUNAVILLE

Holyoke, Massachusetts

GENERAL MANAGER

- Directed food and beverage and arcade operations for a tropical theme restaurant seating 420 guests and generating over \$5 million annually.
- Managed 85 shift associates including wait staff, host, arcade attendants, bussers and bartenders; hired and developed Manager's and Staff to perform at a high level.
- Demonstrated skills accommodating private parties featuring a five course themed dinner; credited with high degree of diplomacy resolving problems
- Develop advertising strategies, layout, and design for print in newspaper and on flyers.

1989 to 2001

T.G.I. FRIDAY'S

Methuen, Massachusetts

GENERAL MANAGER

- Directed Managers and Staff in restaurant operations for full service restaurant seating 280 guests and generating \$4 million annual sales.
- Recognized for the lowest turnover company wide in 1989.
- Started as a Server then Bartended for five years competing in multiple Bartender Flair competitions
- Responsible for opening several new restaurants as a GM, AGM, and Bartender
- Developed and implemented a post training system; 30-60-90 day review.
- Reversed a distressed operation

EDUCATION:

B.S.B.A. IN ACCOUNTING CANDIDATE

Then University of Kentucky

Lexington, Kentucky

(Three quarters from completion)

ACTIVITIES:

Golfing, Family Activities, Rock Climbing

This is your Official TIPS Certification Card.
Carry it with you as evidence of your skills and knowledge in the responsible sale and consumption of alcohol.

Congratulations!

By successfully completing the TIPS (Training for Intervention Procedures) program, you have taken your place in the forefront of a nationwide movement to reduce the tragedies resulting from the misuse of alcohol. We value your participation in the TIPS program.

You will help to provide a safer environment for your patrons, peers and/or colleagues by using the techniques you have learned and taking a positive approach towards alcohol use.


If you have any information you think would enhance the TIPS program, or if we can assist you in any way, please contact us at 703-524-1200. Thank you for your dedication to the responsible sale and consumption of alcohol.

Sincerely,



Adam F. Chabetz
President, HCI

IMPORTANT: Keep a copy of this card for your records. Write down your certification number because you will need it when contacting TIPS, Inc. For assistance or additional information, contact Health Communications, Inc. by using the information provided on the reverse side of your certification card. There is a minimal charge for a replacement card if your original card becomes lost, damaged or stolen.

	On Premise	SSN	XXX-XX-XXXX
Issued:	3/23/2016	Expires:	3/11/2019
ID#	4212526	D.O.B.:	XXXXXXXXXX
MICHAEL S BOTELHO			
For service visit us online at www.gettips.com Gina Santiago, 42607			



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 17-04

ACCEPTANCE OF GRANT OF UTILITY (DRAINAGE) EASEMENTS

WHEREAS, the Town of Franklin has, for many years, maintained a drainage pump station, as well as drainage pipes and structures, on land located at 8 Beth Road, and the Town has also maintained a drainage pipe and structures on abutting land located at 9 Tyson Road, and

WHEREAS, Dale J. Lippert and Joanne Lippert, Trustees of Lippert Investment Trust, are the present owners of the land at 8 Beth Road, title reference: Norfolk Registry of Deeds Book 16330, Page 168 and have executed the Grant of Utility (Drainage) Easement, a true copy of which is attached hereto as "Exhibit 1", and Paul A. Ciavola and Margaret Ciavola, as life tenants, and Paul J. Ciavola and Gina Weddleton, as tenants in common, are the present owners of the land at 9 Tyson Road, title reference: Norfolk County Registry of Deeds Book 24865, Page 553 and have executed the Grant of Utility (Drainage) Easement, a true copy of which is attached hereto as "Exhibit 2",

NOW, THEREFORE, BE IT ORDERED that the Town of Franklin acting by and through its Town Council accepts the Grant of Utility (Drainage) Easement attached hereto as "Exhibit 1" and the Grant of Utility (Drainage) Easement attached hereto as "Exhibit 2" and it is further ordered that a true copy of this resolution be recorded with each original Grant of Utility (Drainage) Easement at Norfolk County Registry of Deeds.

This Resolution shall become effective according to the rules and regulations of the Town of Franklin Home Rule Charter.

DATED: _____, 2017

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

A True Record Attest:

Teresa M. Burr
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council

GRANT OF UTILITY (DRAINAGE) EASEMENT

WE, Dale J. Lippert and Joanne Lippert, Trustees of Lippert Investment Trust under the declaration of trust dated February 27, 2002 and recorded at Norfolk County Registry of Deeds in Book 16330, Page 156, both of 8 Beth Road, Franklin, Norfolk County, MA, for consideration paid and in full consideration of:

One Dollar (\$1.00)

GRANT to the Town of Franklin, a duly-organized municipal corporation with administrative offices located in the Municipal Building, 355 East Central Street, Franklin, Norfolk County, MA, a permanent easement over, under, and through land of Grantor located at 8 Beth Road in said Franklin, said easement being shown as "Drain Easement Area = 2123 sq. ft. 0.048AC, more or less" on a plan entitled "Drain Easements Plan of Land 8 Beth Road and 9 Tyson Road Franklin, Massachusetts" dated June 7, 2016, prepared by Guerriere & Halnon, Inc. Engineering & Land Surveying 55 West Central St. Franklin, MA 02038 and filed at Norfolk Registry of Deeds in Plan Book ____ at Page ____, included within said grant is the perpetual right and easement to construct, maintain and replace an existing drainage pump station, and pipes and structures of any type as are commonly used in the Town of Franklin for drainage, including, without limitation, the right, but not the obligation, to use, construct, inspect, repair, operate and forever maintain said pump station, pipes and structures and the right to enter on foot and with equipment and vehicles to perform any of said work.

Further, the said Grantors do hereby grant unto the Grantee and its successors and assigns forever, ownership rights in the pump station and all pipes, manholes, conduits, fixtures, and all appurtenances thereto that are now or hereafter may be constructed or installed in, through, or under the above-described land.

The Grantors, for themselves and their successors in title, covenant that they shall not permit any use within said easement area described herein, which is inconsistent with this Grant of Easement, including, but not limited to the erection of any non-related structures of any kind or the planting of shrubs and/or trees within the easement area or performing any act which will impair the function and purpose of said Grant of Easement.

Grantors, for themselves and their successors in title, further covenant that the location of said drainage easement shall not be changed without the prior written consent of Grantee or its successor in title.

For Grantors' title see deed dated February 27, 2002 and recorded at Norfolk County Registry of Deeds in Book 16330 at Page 168.

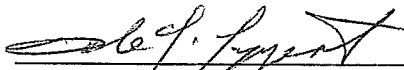
As Trustees of Lippert Investment Trust, Grantors certify that:

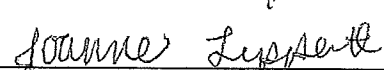
they are authorized and directed by all of the beneficiaries of said Trust to execute all documents associated with this transaction,

there has been no change in the beneficial interests of said Trust, and

the Trust has not been altered, amended, or revoked and it is still in force and effect as evidenced by the instrument recorded in the Registry of Deeds.

WITNESS our hands and seals this 20 day of Dec- 2016.

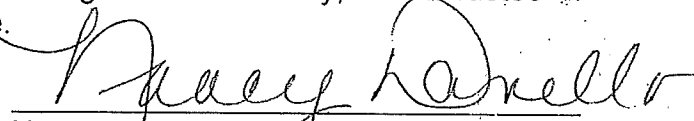

Dale J. Lippert, Trustee of Lippert
Investment Trust


Joanne Lippert, Trustee of Lippert
Investment Trust

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS:

On this 20 day of Dec, 2016, before me, the undersigned notary public, personally appeared Dale J. Lippert and Joanne Lippert, each proved to me through satisfactory evidence of identification, which was MA. LIC., to be the person whose name is signed on the preceding document and acknowledged to me that he/she signed it voluntarily, as a Trustee of Lippert Investment Trust, for its stated purpose.


Nancy Danello
Notary Public
My commission expires: Dec 30, 2022

GRANT OF UTILITY (DRAINAGE) EASEMENT

WE, Paul A. Ciavola and Margaret Ciavola, husband and wife and life tenants, both of 9 Tyson Road, Franklin, Norfolk County, MA and Paul J. Ciavola and Gina Weddleton, as tenants in common of 2 Ann Drive, Taunton, Bristol County, MA and 4 Oak Ridge Drive, Plainville, Norfolk County, MA, respectively, for consideration paid and in full consideration of:

One Dollar (\$1.00)

GRANT to the Town of Franklin, a duly-organized municipal corporation with administrative offices located in the Municipal Building, 355 East Central Street, Franklin, Norfolk County, MA, a permanent easement over, under, and through land of Grantor located at 9 Tyson Road in said Franklin, said easement being shown as "20' Wide Drain Easement Area = 2229 sq. ft. 0.051AC, more or less" on a plan entitled "Drain Easements Plan of Land 8 Beth Road and 9 Tyson Road Franklin, Massachusetts" dated June 7, 2016, prepared by Guerriere & Halnon, Inc. Engineering & Land Surveying 55 West Central St. Franklin, MA 02038 and filed at Norfolk Registry of Deeds in Plan Book ____ at Page ____, included within said grant is the perpetual right and easement to construct, maintain and replace pipes and structures of any type as are commonly used in the Town of Franklin for drainage, including, without limitation, the right, but not the obligation, to use, construct, inspect, repair, operate and forever maintain, pipes and structures and the right to enter on foot and with equipment and vehicles to perform any of said work.

Further, the said Grantors do hereby grant unto the Grantee and its successors and assigns forever, ownership rights in all pipes, manholes, conduits, fixtures, and all appurtenances thereto that are now or hereafter may be constructed or installed in, through, or under the above-described land.

The Grantors, for themselves and their successors in title, covenant that they shall not permit any use within said easement area described herein, which is inconsistent with this Grant of Easement, including, but not limited to the erection of any non-related structures of any kind or the planting of shrubs and/or trees within the easement area or performing any act which will impair the function and purpose of said Grant of Easement.

Grantors, for themselves and their successors in title, further covenant that the location of said drainage easement shall not be changed without the prior written consent of Grantee or its successor in title.

For Grantors' title see deed dated May 24, 2007 and recorded at Norfolk County Registry of Deeds in Book 24865 at Page 553.

WITNESS our hands and seals this 2 day of JAN 2018.

Paul A. Ciavola
Paul A. Ciavola

Margaret Ciavola
Margaret Ciavola

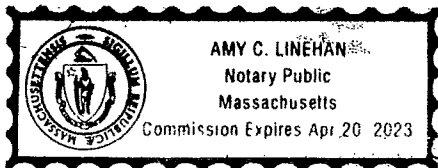
Paul J. Ciavola
Paul J. Ciavola

Gina Weddleton
Gina Weddleton

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS:

On this 2nd day of January, 2018 before me, the undersigned notary public, personally appeared Paul A. Ciavola and Margaret Ciavola, each proved to me through satisfactory evidence of identification, which was license, to be the person whose name is signed on the preceding document and acknowledged to me that he/she signed it voluntarily for its stated purpose.

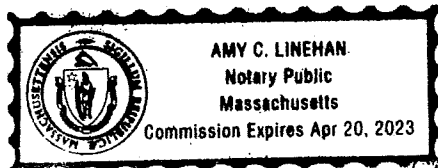


Amy C. Linehan
Notary Public
My commission expires: 4/20/23

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS:

On this 2nd day of January, 2018 before me, the undersigned notary public, personally appeared Paul J. Ciavola, proved to me through satisfactory evidence of identification, which was license, to be the person whose name is signed on the preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

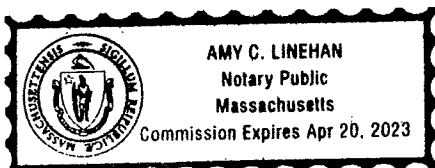


Amy C. Linehan
Notary Public
My commission expires: 4/20/23

COMMONWEALTH OF MASSACHUSETTS

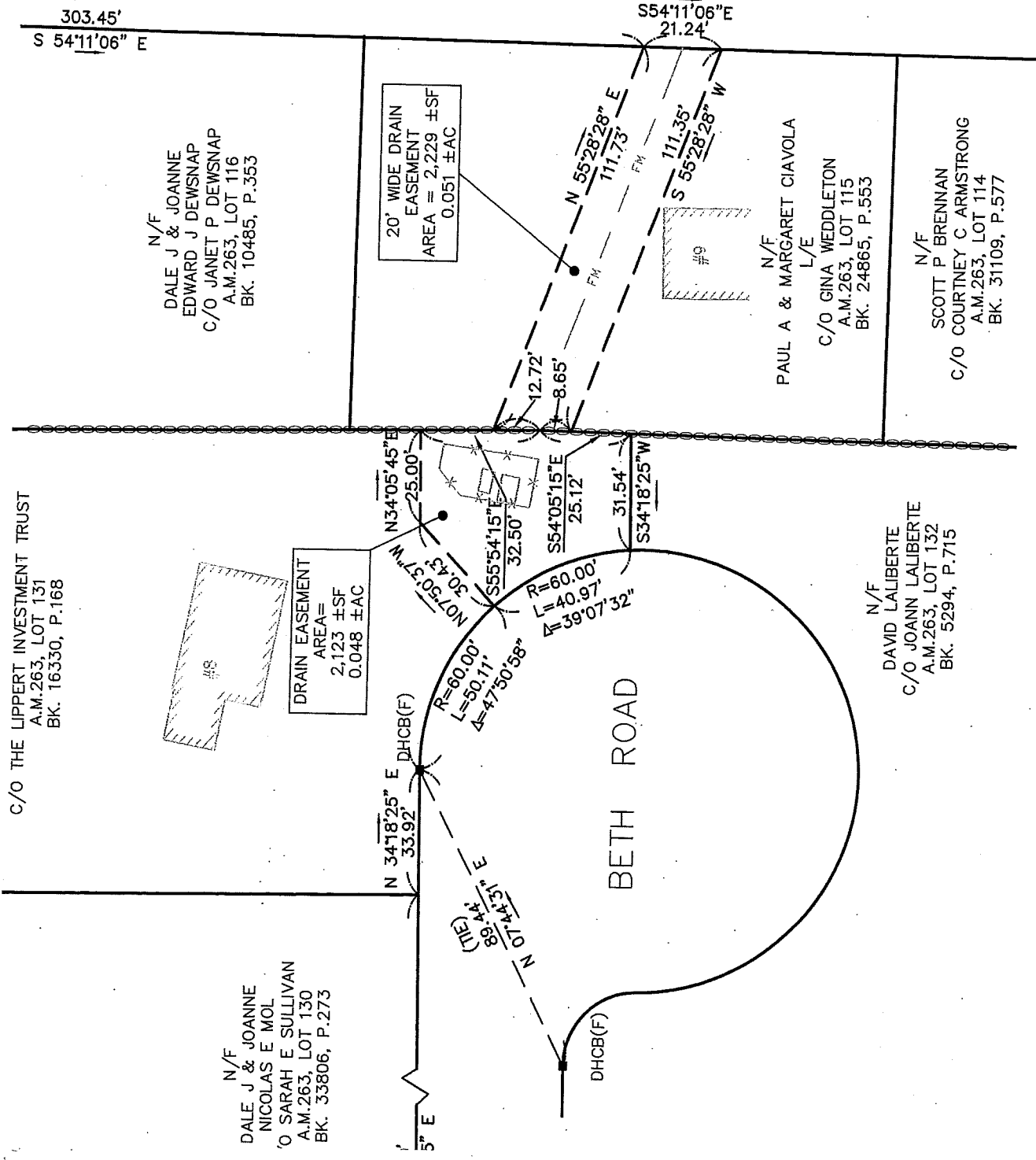
NORFOLK, SS:

On this 2nd day of January, 2018 before me, the undersigned notary public, personally appeared Gina Weddleton, proved to me through satisfactory evidence of identification, which was license, to be the person whose name is signed on the preceding document and acknowledged to me that she signed it voluntarily for its stated purpose.



Amy C. Linehan
Notary Public
My commission expires: 4/20/23

TYSON ROAD



N/F
DALE J & JOANNE
EDWARD J DEWSNAP
C/O JANET P DEWSNAP
A.M.263, LOT 116
BK. 10485, P.353

N/F
PAUL A & MARGARET CIAVOLA
L/E
C/O GINA WEDDLETON
A.M.263, LOT 115
BK. 24865, P.553

N/F
SCOTT P BRENNAN
C/O COURTNEY C ARMSTRONG
A.M.263, LOT 114
BK. 31109, P.577

C/O THE LIPPERT INVESTMENT TRUST
A.M.263, LOT 131
BK. 16330, P.168

N/F
DALE J & JOANNE
NICOLAS E MOL
O SARAH E SULLIVAN
A.M.263, LOT 130
BK. 33806, P.273

N/F
DAVID LALIBERTE
C/O JOANN LALIBERTE
A.M.263, LOT 132
BK. 5294, P.715



VD IS SUBJECT TO ANY
RY, RESTRICTIONS,
IMITATIONS WHICH MAY
NATION OF THE TITLE.

Memo

To: Town Council
From: Jeffrey Nutting, Town Administrator
Date: January 27, 2017
Re: Vote on Home Rule Petition



Attached is a Resolution to file a home rule petition for legislation to request the Commonwealth to transfer 4.71 acres of land adjacent to the current Recycling Center to the Town. The transfer of land will allow the Town to cap the portions of the old landfill that were never capped including refuse on state property and improve the Recycling Center.

This proposal has been reviewed by the Department of Conservation and Recreation and an Environmental Notification process has been completed. (See attached)

The Town will be transferring 29.3 acres of land that was acquired by Tax Title that abuts the State Forest generally in the area off Lorraine Metcalf Road for the property abutting the Recycling Center.


The process requires approval of the legislature and Governor as well as appraisals and surveys to complete the land swap.

Once Franklin takes ownership of the land, we will begin a process to cap the old landfill and then improve the Recycling Center. Early estimates suggest the cost of between \$2 and \$3 million dollars, but the actual cost will not be known until the project is designed, bid, and built.

If the legislation is approved this year, I would anticipate requesting funds for the design portion of the capping/Recycling Center.

I am happy to answer any questions you may have.



Town of Franklin 



COMMONWEALTH OF MASSACHUSETTS
(Division of State Parks & Rec)
21 acres
Parcel #288-008-000

TOWN OF FRANKLIN
32 acres
Parcel #277-007-000

TOWN OF FRANKLIN
19 acres
Parcel #277-006-000

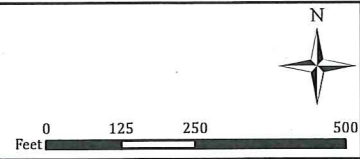
Recycling Center

BEAVER ST

GROVE ST

LAND TRANSFER

Land to be Released to DCR
Parcel Line



Town of Franklin

TOWN OF FRANKLIN
9.8 acres
Parcel #306-023-000

COMMONWEALTH OF MASSACHUSETTS
(Division of State Parks & Rec)
313.3 acres
Parcel #293-001-000

TOWN OF FRANKLIN
9.1 acres
Parcel #311-020-000

TOWN OF FRANKLIN
0.9 acres
Parcel #311-019-000

TOWN OF FRANKLIN
9.4 acres
Parcel #311-018-000



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

Matthew A. Beaton
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

January 6, 2017

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Article 97 Land Disposition
PROJECT MUNICIPALITY : Franklin
PROJECT WATERSHED : Charles River
EEA NUMBER : 15619
PROJECT PROPONENT : Town of Franklin
DATE NOTICED IN MONITOR : December 7, 2016

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (M.G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project does not require an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF)¹, the project entails a Land Transfer from the Department of Conservation and Recreation (DCR) to the Town of Franklin. The purpose of the Land Transfer is to facilitate the final closure of the Beaver Street Landfill. Specifically, it will enable the Town to extend the capping and closure over a 2.8-acre area of uncapped waste on a parcel adjacent to the Landfill. The Town of Franklin will acquire approximately 4.71 acres of land adjacent to the Town's Recycling Center and Beaver Street Landfill. The Town is proposing to relocate the Recycling Center and leaf/yard waste composting operation onto the capped area including approximately 1 acre of land being transferred from DCR.

¹ Supplemental information was received on 12/19/2016. Reference to the ENF shall mean the ENF and supplemental information.

Project Site

The 4.71-acre parcel is located on Beaver Street in Franklin. It is bounded by Mine Brook to the north, Beaver Street to the south, the Town's Recycling Center and Beaver Street Landfill to the east and Interstate 495 (I-495) to the west. It is located within the Franklin State Forest on a 21.24-acre lot which is isolated from the remaining forest by I-495.

The Beaver Street Landfill was used by the Town of Franklin as a solid waste disposal site between the early 1970's and 1981. Town-generated construction and demolition debris was accepted between from 1994 until 1997 when it was capped for a second time. A Comprehensive Site Assessment (CSA) performed in 2003 identified approximately 2.8 acres of uncapped waste. The waste is located on .9 acres (40,800 sf) of DCR property and 1.9 acres of Town land including within the Recycling Center site.

Jurisdiction and Permitting

The project is undergoing MEPA review and requires the preparation of an ENF pursuant to 301 CMR 11.03 (1)(b)(3) and 11.03 (1)(b)(5) because it involves a Land Transfer and consists of conversion of land held for natural resource purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to any purpose not in accordance with Article 97 and involves the release of an interest in land held for conservation, preservation, agricultural or watershed purposes. The project may require a Construction and Access Permit from DCR. Construction and operation of the Recycling Center on the capped landfill will require a Post-Closure-Use Permit from the Massachusetts Department of Environmental Protection (MassDEP).

Work associated with the landfill closure may require an Order of Conditions from the Franklin Conservation Commission and in the case of an appeal, a Superseding Order of Conditions from MassDEP.

Because the project involves a Land Transfer from DCR, MEPA jurisdiction is broad in scope and extends to all aspects of the project that may cause Damage to the Environment, as defined in the MEPA regulations.

Environmental Impacts and Mitigation

The Land Transfer is necessary to address an outstanding public health and safety issue by facilitating the final closure of the unlined landfill. The Town of Franklin will provide compensatory open space to DCR (at a 6:1 ratio) as mitigation for the transfer of 4.71 acres of Article 97 land. The compensatory open space consists of four parcels of undisturbed, forested land totaling 29.3 acres which will be protected pursuant to Article 97. Three of the parcels (19.5 acres) are contiguous and border the Franklin State Forest for approximately 1,000 feet. The remaining 9.8-acre parcel is generally bounded by the Franklin State Forest. The compensatory open space contains wetland resources including a perennial stream that serves as a headwater to Mine Brook.

In addition, the Town has committed to grant permanent access easements to DCR. These consist of an easement across the western edge of the 4.71 acre parcel to maintain public access for the remaining 16.53 acres of Franklin State Forest located to the east of I-495 and an easement through the Town Recycling Center for DCR operations. The Town has agreed to construct a chain-link fence enclosing the recycling center as well as a wooden guardrail along the north side of Beaver Street to deter the unauthorized use of Off-Highway Vehicles on the property. The Town will work with DCR to close a number of unauthorized trails and trails that have been severely eroded by Off-Highway Vehicle use.

Wetland resource areas within the Landfill and 4.71 acre parcel will be delineated upon completion of the Land Transfer. Direct impacts on wetland resource areas are not anticipated; however work within the buffer zone may require an Order of Conditions from the Franklin Conservation Commission.

Review of the ENF

The ENF provides a description of existing and proposed conditions, a discussion of project alternatives, preliminary project plans, and identifies measures to avoid, minimize, and mitigate project impacts. The Proponent also provided supplemental information to address the potential future use of the parcel including the relocation of the Town's Recycling Center and necessary State Agency Actions. The ENF included an alternative to the Land Transfer and subsequent capping of the waste involving the off-site disposal of the waste at a permitted solid waste facility. This alternative was dismissed because it is cost prohibitive and would require excavation, truck transportation and restoration of the waste footprint.

Article 97

A transfer of Article 97 land requires legislative approval and compliance with the Executive Office of Energy and Environmental Affairs (EEA) Article 97 Land Disposition Policy (the Policy). A primary goal of the Policy is to ensure no net loss of Article 97 lands under the ownership and control of the Commonwealth. Allowances are made within the Policy for exceptional dispositions. The ENF provides a sufficient alternatives analysis, information regarding impacts to Article 97 land, and associated mitigation to support a finding by DCR that exceptional circumstances exist such that a disposition of Article 97 land may be appropriate. Comments from DCR are supportive of the Land Transfer and indicate that the proposed mitigation land, as well installation of guard rails, chain-link fence and unauthorized trail closures will provide greater value than the isolated 4.71-acre parcel. The compensatory open space will result in a significant expansion of the main portion of the Franklin State Forest and will enhance public access. DCR will not act on the Land Transfer until legislation is issued.

Solid Waste

The capping of the landfill will require a Corrective Action Design approval and a Landfill Closure Completion certification. Relocation of the Recycling Center and leaf/yard waste composting program will require a Landfill Post-Closure Use permit (BWP SW 36).

MassDEP has encouraged the Town to finalize the Land Transfer before advancing closure activities. MassDEP will not issue any permits until the Land Transfer is completed.

Conclusion

The ENF has sufficiently defined the nature and general elements of the project for the purposes of MEPA review and demonstrated that the project's environmental impacts will be avoided, minimized and/or mitigated to the extent practicable. Based on review of the ENF and comments received, and in consultation with State Agencies, I have determined that no further MEPA review is required.

January 6, 2017

Date



Matthew A. Beaton

Comments Received:

12/27/2016 Department of Conservation and Recreation (DCR)
12/27/2016 Department of Environmental Protection – Central Regional Office (DEP – CERO)

MAB/EFF/eff



TOWN OF FRANKLIN

RESOLUTION 17-05

REQUEST FOR SPECIAL LEGISLATION, RE: AUTHORIZATION FOR STATE TO CONVEY ARTICLE 97 LAND TO TOWN

WHEREAS, Town desires to acquire a portion of State-owned land abutting Town’s former landfill, which land is currently designated conservation land and subject to the protections contained in Article 97 of the Massachusetts Constitution.

WHEREAS, The so-called Home Rule Amendment to the Massachusetts Constitution provides a mechanism for a municipality to petition the General Court to enact legislation applicable only to that municipality, including the proposed legislation.

NOW, THEREFORE, the Town of Franklin acting by and through its Town Council hereby petitions the General Court to enact the legislation captioned “Authorization to Convey Article 97 Land to Town of Franklin”, a copy of which is attached hereto as “Exhibit 1” for Franklin’s benefit, in substantially the form attached, and directs the Town Administrator to transmit said legislation to State Representative Jeffrey N. Roy for filing.

This Resolution shall become effective according to the rules and regulations of the Town of Franklin Home Rule Charter.

DATED: February ____, 2017

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

ABSTAIN _____

**Teresa M. Burr
Town Clerk**

ABSENT _____

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

**AUTHORIZATION TO CONVEY ARTICLE 97 LAND
TO TOWN OF FRANKLIN**

SECTION 1. Notwithstanding the provisions of sections 34 to 37 of Chapter 7C of the General Laws, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may convey the fee interest in a certain parcel of land, currently under the care and control of the department of conservation and recreation and held for conservation and recreation purposes to Town of Franklin, to be used for the purposes of landfill capping, solid waste transfer station and recycling center, subject to the requirements of sections 2 through 5 and to such additional terms and conditions consistent with this act as the commissioner of capital asset management and maintenance may prescribe in consultation with the commissioner of conservation and recreation. The parcel of land contains 4.71 acres, more or less, and is shown on a plan of land entitled "Landfill Site Plan" to be filed with Norfolk County Registry of Deeds. Prior to finalizing the transaction or making the conveyance authorized herein, the division of capital asset management and maintenance may make minor modifications to the area and plan in order to carry out the purposes of this act.

SECTION 2. An independent appraisal of the fair market value and value in use of the parcel described in section 1 shall be prepared in accordance with the usual and customary professional appraisal practices by a qualified appraiser commissioned by the commissioner of capital asset management and maintenance. Consideration for the grant of the above-described interest shall be the full and fair market value or the value in proposed use, whichever is greater, as determined by the commissioner of capital asset management, and calculated with regard to its full development potential as assembled with other lands owned or otherwise controlled by the grantee. The commissioner of capital asset management and maintenance shall submit the appraisal or appraisals to the inspector general for his or her review and comment. The inspector general shall review and approve the appraisal or appraisals, and the review shall include an examination of the methodology utilized for the appraisal or appraisals. The inspector general shall prepare a report of his or her review and file the report with the commissioner of capital asset management and maintenance for submission by said commissioner to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight. Said commissioner shall submit copies of the appraisals, and the inspector general's review and approval and comments, if any, to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight at least 15 days prior to the execution of documents effecting the transfers described in section 1.

SECTION 3. To ensure a no-net-loss of lands protected for natural resource purposes, the grantee shall compensate the commonwealth for the interest in land described in section 1 through the transfer to the department of conservation and recreation of land, an interest of land or funding for the acquisition of land or an interest therein equal to or greater than the resource

value of the land described in section 1 and the highest appraised value as determined under section 2. The fair market value of any land or interest in land proposed to be conveyed by the grantee to the department shall be included within the appraisal prepared under section 2. The land, interest in land, or funding must be acceptable to the department of conservation and recreation; and any land or interest in land, whether conveyed by the grantee or acquired by the department, shall be permanently held and managed for conservation and recreation purposes by the department. Should the appraised value of any land or interests in land be determined to be greater than the appraised value of the interests in land described in section 1, the commonwealth shall have no obligation to pay the difference to the grantee. All payments paid to the commonwealth as a result of the conveyances or grants authorized by this act shall be deposited in the Conservation Trust established in section 1 of chapter 132A of the General Laws.

SECTION 4. The grantee shall assume all costs associated with engineering, surveys, appraisals, deed preparation and other expenses deemed necessary by the commissioner of capital asset management and maintenance to execute the conveyances authorized by this act.

SECTION 5. No instrument executed pursuant to this act shall be valid unless it provides that the area conveyed shall be used solely for the purposes described in section 1. The instrument authorized in section 1 shall include a reversionary clause that stipulates the property shall revert to the commonwealth and be assigned to the care, custody and control of the department of conservation and recreation, upon such terms and conditions as the commissioner of capital asset management and maintenance may determine, if the property ceases to be used for the express purposes authorized in this act. If any interest reverts to the commonwealth, any further disposition shall be subject to sections 34 to 37, inclusive, of chapter 7C of the General Laws and the prior approval of the General Court.

Sponsor: Administration

TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 17-779

Changes to §185-3. Definitions

A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 3 OF THE CODE
OF THE TOWN OF FRANKLIN

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by adding the following into §185-3 Definitions in alphabetical order:

NON-MEDICAL MARIJUANA ESTABLISHMENT.- A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

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

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 17-780
Changes to § 185-4 Districts Enumerated**

**A ZONING BY-LAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN
AT CHAPTER 185, SECTION 4, DISTRICTS ENUMERATED, RE:
MARIJUANA USE OVERLAY DISTRICT**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by ~~deleting~~ and adding the following text at §185-4. Districts Enumerated:

~~B. In addition, there are eight overlay districts: the Flood Hazards District as established in §185-24, the Water Resource District as established in §185-40, the Wireless Communications Services District as established in §185-44, the Biotechnology Use Overlay District as established in §185-42, the Adult Use Overlay District as established in §185-47, the Senior Village Overlay District as established in §185-48, the Sign District Map as established in §185-20 and the Medical Marijuana Use Overlay District as established in §185-49.~~

B. In addition, there are eight overlay districts: the Flood Hazards District as established in §185-24, the Water Resource District as established in §185-40, the Wireless Communications Services District as established in §185-44, the Biotechnology Use Overlay District as established in §185-42, the Adult Use Overlay District as established in §185-47, the Senior Village Overlay District as established in §185-48, the Sign District Map as established in §185-20 and the Marijuana Use Overlay District as established in §185-49.

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** _____

ABSTAIN _____

Teresa M. Burr
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 17-781

MARIJUANA USE OVERLAY DISTRICT

Changes to § 185-5 Zoning Map

A ZONING BY-LAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 185 SECTION 5, ZONING MAP, RE: MARIJUANA USE OVERLAY DISTRICT.

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by making the following amendments to §185-5. Zoning Map:

That the Zoning Map of the Town of Franklin be amended by deleting the Medical Marijuana Use Overlay District, and by creating an overlay zoning district to be known as the Marijuana Use Overlay District. The Marijuana Use Overlay District shall consist of those parcels of land zoned industrial that are located south or west of the sideline of Interstate 495; and which are not within 500 feet of a public or private school, and not within 200 feet of a residential zoning district, library, church, child-care facility, park, and playground. The 500 feet and 200 feet distances shall be measured from all property lines of the proposed use; State Forest land shall not be considered when determining the proximity of a parcel to a residential zoning district.

This District is delineated on the map entitled “Marijuana Use Overlay District” and created under 185-4 Districts Enumerated.

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** _____




ABSTAIN _____

Teresa M. Burr
Town Clerk


ABSENT _____

Judith Pond Pfeffer, Clerk

MARIJUANA USE OVERLAY DISTRICTS

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

N

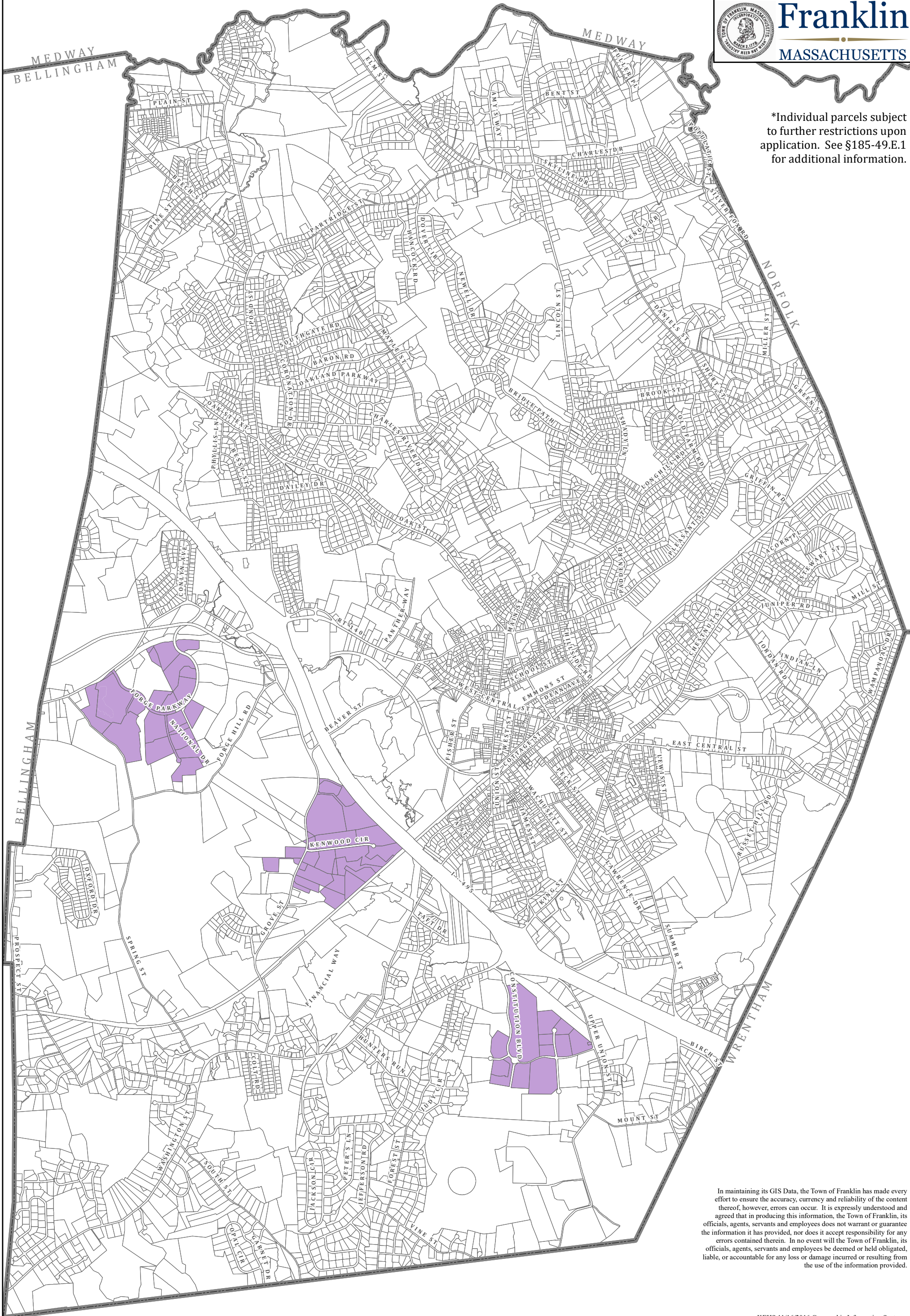


0 0.25 0.5
Kilometers

0 0.25 0.5
Miles



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



In maintaining its GIS Data, the Town of Franklin has made every effort to ensure the accuracy, currency and reliability of the content thereof, however, errors can occur. It is expressly understood and agreed that in producing this information, the Town of Franklin, its officials, agents, servants and employees does not warrant or guarantee the information it has provided, nor does it accept responsibility for any errors contained therein. In no event will the Town of Franklin, its officials, agents, servants and employees be deemed or held obligated, liable, or accountable for any loss or damage incurred or resulting from the use of the information provided.

Sponsor: *Administration*

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 17-782

Changes to §185-7 Compliance required.

**A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 7 OF THE CODE OF THE
TOWN OF FRANKLIN**

Note: Within this section, changes are shown in **Bold** type to retain the readability of the document, and appear as additions (**xyz**) and as deletions (~~xyz~~).

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by the following additions and deletions to §185-7. Compliance required:

185 Attachment 3
USE REGULATION SCHEDULE
PART II (Continued)

Principal Uses	District													
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O
2.10 Shopping center	N	N	N	N	N	N	N	PB	PB	N	PB	N	N	N
2.11 Storage facility	N	N	N	N	N	N	N	N	PB	N	N	N	N	N
2.12 Tattoo parlor/body-piercing studio	N	N	N	N	N	N	N	N	N	N	N	PB	N	N
2.13 Tourist home	PB	PB	P/SP	P/SP	P/SP	P/SP	N	P/SP	P/SP	N	P/SP	N	N	N
2.14 Office park	N	N	N	N	N	PB	N	PB	PB	N	PB	PB	N	Y
2.15 Other retail sales, services														
a. General	N	N	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	N ⁴	N ⁴	N ⁴
b. Personal	N	N	N	N	N	P/SP ⁵	N ⁴	P/SP	P/SP	P/SP	P/SP	N ⁴	N ⁴	N ⁴
c. Other	N	N	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	N ⁴	N ⁴	N ⁴
2.16 Vehicular service establishment	N	N	N	N	N	N	N	PB	PB	PB	PB	N	N	N
2.17 Trade center	N	N	N	N	N	N	N	N	N	N	N	N	P/SP	PB
2.18 Catering	PB	PB	PB	PB	PB	PB	N	PB	PB	PB	PB	Y	Y	N
2.19 Function Hall	PB	N	PB	PB	PB	PB	N	PB	PB	PB	PB	Y	Y	N
2.20 Psychic services/fortune-telling	N	N	N	N	N	PB	N	N	N	N	N	PB	N	N
2.21 Bed-and-breakfast	PB	PB	P/SP	P/SP	P/SP	P/SP	N	P/SP	P/SP	P/SP	P/SP	N	N	N
2.22 Country Store	N	N	N	N	N	Y	PB	Y	Y	N	Y	N	N	N
2.23 Non-Medical Marijuana Facility	N	N	N	N	N	N	N	N	N	N	N	PB⁷	N	N

NOTES:

1. If any part of a principal use is considered a VSE (see § 185-3, Definitions), the requirements for VSE must be met.
2. Except as permitted by a special permit within the Adult Use Overlay District as described in § 185-47.
3. Except BA if involving live or mechanical entertainment.
4. Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule, Part VII, Accessory Uses.
5. Establishments are limited to a maximum gross building footprint of 2,800 square feet.
6. Not allowed on sidewalk level in multilevel development.

7. Non-Medical Marijuana Facilities may be permitted by Planning Board special permit in portions of the Industrial Zone which are in the Marijuana Use Overlay District, see §185-49.

185 Attachment 5
USE REGULATION SCHEDULE
PART IV

Symbols in the Use Regulations Schedule shall mean the following:

- Y = A permitted use.
- N = An excluded or prohibited use.
- BA = A use authorized under special permit from the Board of Appeals.
- PB = A use authorized under special permit from the Planning Board.
- P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

Principal Uses	District													
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CH	DC	B	I	LI	O
4. Institutional														
4.1 Cemetery	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N
4.2 Hospital	N	N	N	N	N	N	N	N	PB	N	PB	PB	N	N
a. Medical Marijuana Treatment Facility	N	N	N	N	N	N	N	N	N	N	N	Y ⁴ PB ⁴	N	N
b. Medical Marijuana Testing Facility	N	N	N	N	N	N	N	N	N	N	N	Y ⁴ PB ⁴	N	N
4.3 Charitable institution	N	N	N	PB	PB	N	Y	Y	PB	N	N	N	N	N
4.4 Correctional facility	N	N	N	N	N	N	N	N	N	N	N	BA	N	N
4.5 Library, museum, art gallery	N	Y	Y	Y	N	N	Y	Y	Y	Y	Y	N	N	N
4.6 Lodge, social nonprofit	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N
4.7 Public use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N ³	N	N ³
a. Municipal public safety	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.8 Religious or educational use:														
a. Exempt from zoning prohibition ²	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
b. Dormitories	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N

NOTES:

1. But not including any use, the principal activity of which is one customarily conducted as a business.
2. See MGL c. 40A, § 3.
3. Except for municipal public safety.

4. Medical Marijuana Treatment Facilities and Testing Facilities ~~are permitted~~ may be permitted by Planning Board special permit in portions of the Industrial Zone which are in the ~~Medical~~ Marijuana Use Overlay District, see §185-49.

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

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 17-783

MARIJUANA USE OVERLAY DISTRICT

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, SECTION 49.**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by deleting the entire text of §185-49. Medical Marijuana Use Overlay District, and by adding in its place the following §185-49. Marijuana Use Overlay District:

§185-49. Marijuana Use Overlay District.

1. Purpose and Intent.
 - a. This section is adopted with the purpose and intent of establishing zoning to allow the use of medical marijuana treatment centers, medical marijuana testing facilities, and non-medical marijuana facilities in the Town of Franklin.
2. Applicability. This §185-49 applies to the following:
 - a. All medical marijuana uses as defined in the Session Laws of The Commonwealth of Massachusetts Chapter 369 of the Acts of 2012 and medical marijuana testing facilities as regulated within this section and defined in §185-3.
 - i. No action taken under the enforcement powers of this chapter shall be in contradiction to the provisions of Chapter 369 of the Acts of 2012 as adopted or amended.
 - b. All Non-Medical Marijuana Establishments.
3. Establishment of the marijuana use overlay district and relationship to underlying districts.
 - a. The marijuana use overlay district is established as a district which overlays the underlying districts, so that any parcel of land underlying in the marijuana use overlay district shall also lie in one or more of the other zoning district in which it was previously classified, as provided for in this Zoning Bylaw.
4. Permitted uses.
 - a. Uses allowed by right. The following uses are allowed as of right within the marijuana use overlay district:

- i. All uses permitted as of right in the underlying base zoning district.
- b. Uses allowed by Special Permit. The following uses may be allowed within the marijuana use overlay district by Planning Board special permit:
 - i. Medical Marijuana Treatment Facility.
 - ii. Medical Marijuana Testing Facility.
 - iii. Non-Medical Marijuana Establishment.

5. Location.

- a. The marijuana use overlay district consists of those parcels of land zoned industrial that are located south or west of the sideline of Interstate 495; and which are not within 500 feet of a public or private school, and not within 200 feet of a residential zoning district, library, church, child-care facility, park, and playground. The 500 feet and 200 feet distances shall be measured from all property lines of the proposed use; State Forest land shall not be considered when determining the proximity of a parcel to a residential zoning district.
- b. This District is delineated on the map entitled “Marijuana Use Overlay District” and created under 185-4 Districts Enumerated.

6. Severability.

- a. 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.

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** _____

ABSTAIN _____

Teresa M. Burr
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk

OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

DATE: December 23, 2016
TO: Town Council
FROM: Jeffrey D. Nutting, Town Administrator
RE: Chapter 143 of the Town Code

After reviewing the legal issues with the Town Attorney we feel this Bylaw is no longer necessary and we suggest that it be repealed.

cc: Mark Cerel, Town Attorney

Chapter 143. Signs

[HISTORY: Adopted by the Town Council of the Town of Franklin 1-10-1975 by § 18 of Art. IV of the Bylaws of the Town of Franklin. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 185.

§ 143-1. Size restrictions.

Except as specifically authorized or permitted by the Zoning Bylaw^[1] of the Town and except within business or manufacturing districts within the meaning of said Zoning Bylaw and as shown on the Zoning Map of the Town, no person shall erect or maintain a billboard, sign or other advertising device within 300 feet of any public way and within public view from any portion of such way if such billboard, sign or other advertising device exceeds five feet in height or eight feet in length.

[1] *Editor's Note: See Ch. 185, Zoning.*

OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

DATE: December 23, 2016
TO: Town Council
FROM: Jeffrey D. Nutting, Town Administrator
RE: Chapter 147, Snow and Ice Removal

Chapter 147 of the Town Code requires owners of businesses that abut a public way to clear the sidewalks within 12 hours after a snow storm. This bylaw has not been enforced for a long time.

While I was not around in 1975 when the bylaw was adopted my guess is that it focused on the Downtown. Now with the businesses all along Route 140, the two industrial parks, Union Street, Kenwood Circle, Earls Way, West Central Street after 495, etc. it would seem impractical for each business to plow their section of the sidewalk. Does the Town Council want to consider repealing the by-law?

I am happy to answer any questions that you may have.

cc: Mark Cerel, Town Attorney

SIDEWALK PLOW ROUTES

~ Sidewalks: Business (8.2 miles)
~ Sidewalks: Residential*

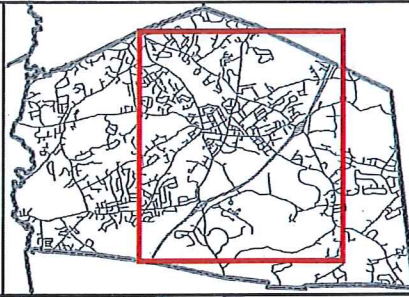
☐ Structure
~ Roadway

**Total mileage of
sidewalks currently
plowed by DPW
(business and
residential)
= 41 miles**



SIDEWALKS ALONG COMMERCIAL PROPERTIES

- Sidewalks Along Commercial Properties
- ~ Commercial Properties
- ~ Roadway
- Structure
- Municipal Boundary

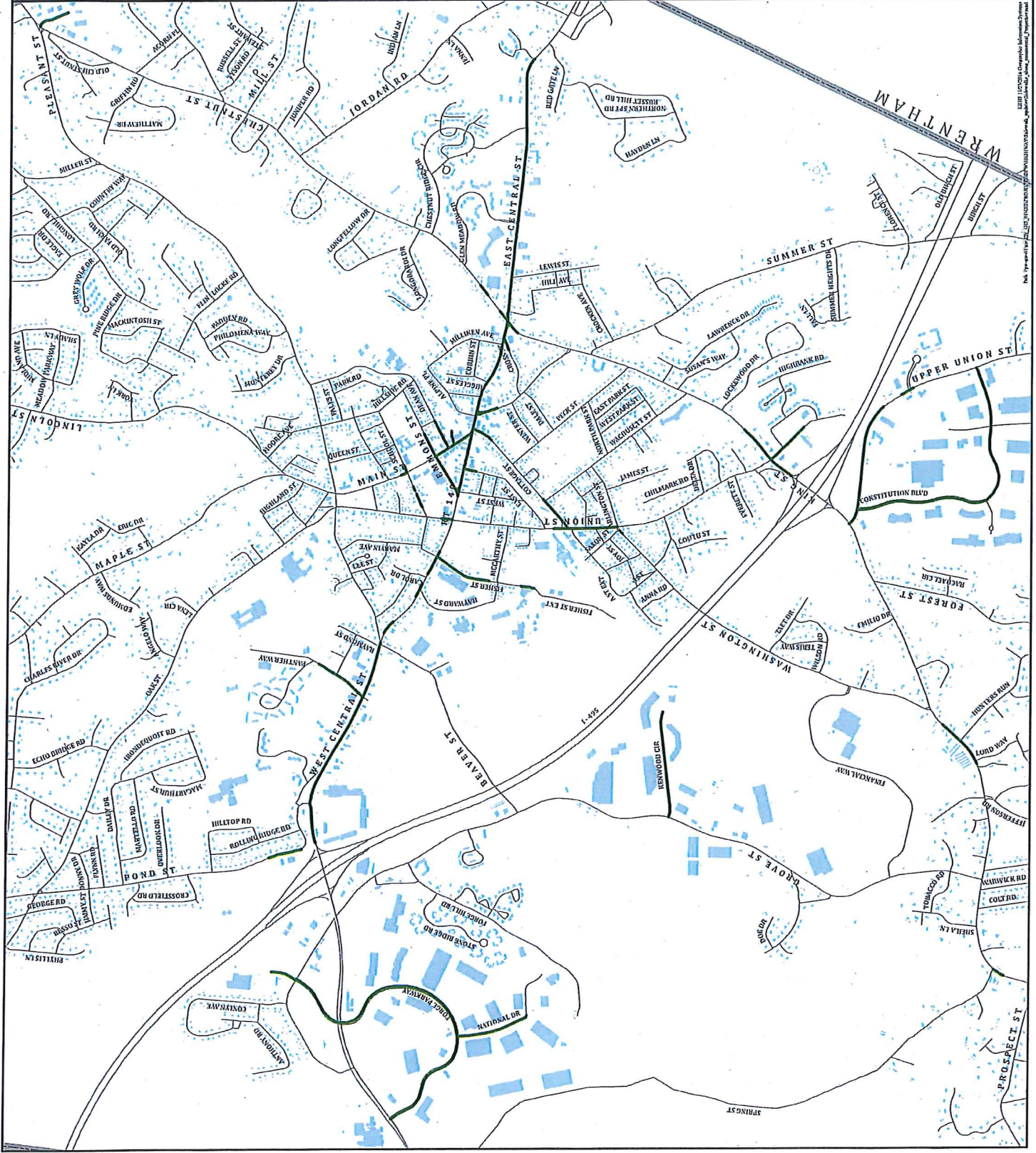


Scale: 0 0.25 0.5 Kilometers

Scale: 0 0.25 0.5 Miles

Franklin
MASSACHUSETTS

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TOWN OF FRANKLIN
DEPARTMENT OF PUBLIC WORKS

257 Fisher Street
Franklin, MA 02038

November 12, 2015

Mr. Jeffrey Nutting, Town Administrator
Town of Franklin
355 East Central Street
Franklin, MA 02038

Re: Chapter 147. Snow and Ice, Removal of

Dear Jeff,

On January 10th, 1975 the Franklin Town Council adopted a bylaw, Chapter 147, which requires that businesses remove snow and ice from the sidewalks that abut public way within a specific time frame or they may be fined. Specifically it states:

147-1. Time limit for Removal.

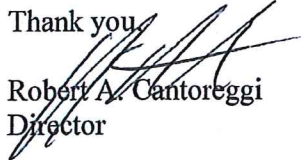
Owners of premises in which business may be conducted and which premises abut a public way shall, within 12 hours after a snowstorm, remove all accumulations of snow and ice from the sidewalk in front of said premises.

147-2. Violations and penalties.

Whoever violates the provision of § 147-1 above shall forfeit and pay for each violation a fine not exceeding \$25.

This bylaw has not been enforced in my tenure at DPW Director. I respectfully suggest that we come up with a plan for enforcement or remove it from the Town Code.

Thank you,


Robert A. Cantoreggi
Director

CC: Deacon Perrotta, Director of Operations
Carlos Rebelo, Highway and Grounds Superintendent
Mark Cerel, Town Attorney
File