

FRANKLIN TOWN COUNCIL

Agenda & Meeting Packet

July 19, 2023

Meeting will be held at the **Municipal Building**

2nd floor, Council Chambers

355 East Central Street

7:00 PM

A NOTE TO RESIDENTS: All citizens are welcome to attend public board and committee meetings in person. Meetings are also live-streamed (and archived) by Franklin TV on the [Franklin Town Hall TV YouTube channel](#). Meetings are also shown live and on repeat on Comcast Channel 11 and Verizon Channel 29. In an effort to maximize citizen engagement opportunities, citizens will be able to continue to participate remotely via phone OR Zoom.

Link to access meeting via Zoom for the July 19, 2023 Town Council meeting:

- Zoom Link [HERE](#) -- Then click "Open Zoom".
- Or copy and paste this URL into your browser: <https://us02web.zoom.us/j/88566039044>
- Call-In Phone Number: Call 1-929-205-6099 and enter **Meeting ID # 885 6603 9044** --Then press #

1. ANNOUNCEMENTS FROM THE CHAIR

- This meeting is being recorded by Franklin TV and shown on Comcast channel 11 and Verizon Channel 29. This meeting may be recorded by others.*
- Chair to identify members participating remotely.*

2. CITIZEN COMMENTS

- Citizens are welcome to express their views for up to three minutes on a matter that is not on the agenda. The Council will not engage in a dialogue or comment on a matter raised during Citizen Comments. The Town Council will give remarks appropriate consideration and may ask the Town Administrator to review the matter.*

3. APPROVAL OF MINUTES

- [May 25, 2023](#)
- [June 7, 2023](#)
- [June 21, 2023](#)

4. PROCLAMATIONS / RECOGNITIONS

5. [APPOINTMENTS](#)

- Agricultural Commission
 - [Nick Capoccia](#)
- Cultural District Committee
 - [Sue Cass](#)
 - [Patrick Conlan](#)
- Design Review Commission
 - [Amy Adams](#)
 - [Jim Bartro](#)

- d. Finance Committee
 - i. [Lauren Nagel](#)
- e. Franklin Cultural Council
 - i. [Carol Fletcher](#)
 - ii. [John Ristaino](#)
 - iii. [Jean Wolf](#)

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

7. LICENSE TRANSACTIONS

- a. [License Modification - Change of Officers/Directors/LLC Managers: Shaw's Supermarkets, Inc., d/b/a Shaw's. Located at 255 East Central Street](#)

8. PRESENTATIONS / DISCUSSION

- a. Discussion: Legislative Delegation: Senator Rebecca Rausch, Representative Jeffrey Roy

9. LEGISLATION FOR ACTION

- a. [Bylaw Amendment 23-900R: Chapter 170, Vehicles and Traffic, Article IV, Stopping, Standing and Parking, §170-15 Parking Prohibitions and Limitations, D. Parking Prohibited, Downtown Parking Map Amendment - Second Reading](#)
(Motion to Approve Bylaw Amendment 23-900R - Majority Roll Call Vote)
- b. [Zoning Bylaw Amendment 23-894: To Amend Chapter 185, Section 3 of the Code of the Town of Franklin to add Accessory Dwelling Unit \(ADU\) Definition - Second Reading](#)
(Motion to Approve Zoning Bylaw Amendment 23-894 - Majority Roll Call Vote)
- c. [Zoning Bylaw Amendment 23-895R \(As Further Revised\): To Amend Chapter 185, Attachment 8, Use Regulations Schedule Part VII: Accessory Uses of the Franklin Town Code to Add Accessory Dwelling Residential Units - Second Reading](#)
(Motion to Approve Zoning Bylaw Amendment 23-895R - Majority Roll Call Vote)
- d. [Zoning Bylaw Amendment 23-896: To Amend Chapter 185, Section 19 of the Code of the Town of Franklin to Add on Accessory Dwelling Unit Setbacks - Second Reading](#)
(Motion to Approve Zoning Bylaw Amendment 23-896 - Majority Roll Call Vote)
- e. [Resolution 23-45: Authorization for Intermunicipal Agreement with County of Norfolk for County of Norfolk to Provide Sealer of Weights and Measures Services to Town of Franklin](#)
(Motion to Approve Resolution 23-45 - Majority Vote)
- f. [Resolution 23-46: Acceptance of and Authorization for Town Administrator to Execute Conservation Restriction on Two Open Space Parcels at Brookview Condominium located off Pond Street](#) **(Motion to Approve Resolution 23-46 - Majority Vote)**
- g. [Resolution 23-47: Gift Acceptance - Veterans' Services Dept. \(\\$600\), Fire Dept. \(\\$300\)](#)
(Motion to Approve Resolution 23-47 - Majority Vote)

10. TOWN ADMINISTRATOR'S REPORT

11. SUBCOMMITTEE & AD HOC COMMITTEE REPORTS

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

12. FUTURE AGENDA ITEMS

13. COUNCIL COMMENTS

14. EXECUTIVE SESSION - None Scheduled.

15. ADJOURN

Note: Two-Thirds Vote: requires 6 votes

Majority Vote: requires majority of members present and voting

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
May 25, 2023**

A meeting of the Town Council was held on Thursday, May 25, 2023, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA. Councilors present: Brian Chandler, Theodore Cormier-Leger, Robert Dellorco, Cobi Frongillo, Melanie Hamblen, Glenn Jones, Thomas Mercer, Deborah Pellegrini, Patrick Sheridan. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney.

CALL TO ORDER: ► Chair Mercer called the meeting to order at 7:00 PM. Chair Mercer called for a moment of silence. All recited the Pledge of Allegiance.

ANNOUNCEMENTS: ► Chair Mercer reviewed the following as posted on the agenda. A Note to Residents: All citizens are welcome to attend public board and committee meetings in person. Meetings are live-streamed by Franklin TV and shown on Comcast Channel 11 and Verizon Channel 29. In an effort to maximize citizen engagement opportunities, citizens will be able to continue to participate remotely via phone or Zoom. He announced that this meeting is being recorded by Franklin TV; this meeting may be recorded by others.

CITIZEN COMMENTS: ► Mr. Stephen Sherlock, 10 Lawrence Drive and Franklin Matters and Franklin TV, stated that they had a cable problem last night and are watching to make sure that does not happen again tonight. He noted the Zoom feed is fine and a live recording is being made. He explained how to get to the YouTube recording. He stated there is also an audio recording of the meeting.

HEARINGS: 7:00pm. ► *FY24 Town Council Annual Operating Budget Hearing.* ► Chair Mercer declared the continuation of the first public hearing on the FY24 Town Council Annual Operating Budget open. He stated that they ended off with the schools last evening; they will continue with the next department held.

► Hold on Line Item 422: DPW. ■ Councilor Chandler stated that last year they spent \$12,000 on chemicals, and this year it is up to \$100,000. He stated that he is glad they are hiring a fleet manager as there are so many vehicles now. He asked that the fleet manager present before the Town Council in the future. ■ Director of Public Works Brutus Cantoreggi and Ms. Kathy Mooradd, financial manager for DPW, addressed the Town Council. ■ Mr. Cantoreggi stated that they buy a lot of chemicals. He stated that this is under snow and ice. He explained that now they use a liquid system as a pre-treatment. He explained how this chemical is used and its benefits and that the cost of this chemical went up. He stated that they have over 230 registered vehicles and that they maintain every vehicle for the Town. He stated that they used to have four mechanics, but now they have only three. He noted that outsourcing has become very expensive. ■ Chair Mercer stated that they have one of the busiest departments, and DPW affects every resident in the community in one way or the other. He asked about the biggest initiatives and projects, about the Beaver Street interceptor project, and about trash pickup. ■ Mr. Cantoreggi stated that last year was one of the busiest years as they got several funding sources from the government. He stated that the infrastructure needs to be maintained. He reviewed projects including that this year they put a water line in on Arlington. He explained that Grove Street is a really big project. He stated that they did a traffic signal; they are waiting for a signal head, and it has been 23 weeks. It should be going up soon. He stated that it will improve the traffic flow and make the area safer. They are going to do some mill and overlay on Union Street. They are going to do some mill and overlay with their own machine with the DPW staff on the parade route. They fix any loose castings. They are continuing with sidewalk replacements in downtown. He stated that they are continuing with the sewer linings to get the leaks out of them. He stated that they are going to work on the interceptor; they got their permit from DOT to go

dig up Rt. 140. They are meeting with the contractor. The main construction will start late summer and fall. He noted the Beaver Street complex and the work they have been doing there. He noted a rededication for the Sculpture Park and the work they have been doing there. He stated they have been doing expansion of the parking lot at the rail trail. He reviewed the Nason Street rehab project including fencing and hydroseeding. He stated that there is a lot of collaboration and funding sources to do these. He noted that DelCorte is a great place now. He explained what we might see regarding the Beaver Street interceptor. He explained that they are putting in a big pipe, and it will cause problems and inconvenience for people regarding Rt. 140 traffic. He stated that they are going to put out a lot of information about this, and they will be as accommodating as they can. This project has to be done. ■Mr. Derek Adams, environmental affairs coordinator, stated that regarding trash, there have been long truck lines at the Millbury center, so it is a matter of waiting. ■Councilor Jones stated that it is disheartening to see all the price increases due to inflation. He asked about Line Item 424: DPW-Street Lighting. ■Mr. Hellen stated it is coming off. That account is down \$100,000 due to the LED lights conversion, and they are blending it into the entire DPW budget. ■Councilor Frongillo stated that we are a Tree City. He noted inflation increases the cost of taking care of the town. He stated that this comes and goes as we look for opportunities for efficiencies. He discussed composting. He said he is wondering where we are at for thinking about town-wide composting to divert food waste out of trash. He asked about pay-as-you-throw policies being an opportunity to reduce weight. ■Mr. Cantoreggi stated that they have been talking about it for years. He stated that when they develop the recycling center, they will be looking at considering this. This would reduce our tonnage going to Wheelabrator, but it would require additional carts and other items to consider regarding this item. He stated that people would rather have the system that we have rather than pay-as-you-throw. He stated that we encourage recycling. He stated that most budgets are about 90 percent personnel; his budget is only about 37 percent personnel with the rest as expenses. Inflation drove everything this year. He stated that for instance it costs over \$100 per ton to get rid of the comingled recycling; years ago, we used to get paid for that. It is cheaper to burn it. He stated that glass is the hardest to get rid of in the comingled. ■Councilor Hamblen mentioned the collaboration in the downtown bridge; the DPW picked up the trash and delivered the mulch. She asked about the stormwater utility fee that is going into effect and if the money it generates will pay for the unfunded mandate for the permit. ■Mr. Cantoreggi stated that he has a solid staff at the DPW. He stated that the stormwater utility fee will not cover it all. ■Councilor Dellorco asked if the DPW is short any staff. He reviewed that Mass Water and DOT just gave their mechanic staff a big raise; it is something we will run into in the future. ■Mr. Cantoreggi stated they are down three people. ■Mr. Hellen stated that they just filled one of the slots with an experienced person. ■Councilor Pellegri stated that the School Department is already doing composting. She asked how would we take care of the rats and animals. ■Mr. Cantoreggi explained that you need to get the right site. He commented that at a minimum, we have at a minimum of \$140M of infrastructure that we have to repair. ■Mr. Stephen Sherlock, 10 Lawrence Drive, stated appreciation of the collaboration of the priming of the electrical boxes that are being painted.

►Hold on Line Item 541: Council on Aging. ■Director Danielle Hopkins and Deputy Director Sarah Amaral addressed the Town Council. ■Chair Mercer thanked Ms. Hopkins for her presentation earlier this year. He stated that the Center is more vibrant probably due to leadership. He asked her to describe how the new van will service the community. ■Ms. Hopkins stated they will be getting a new van; this will be their only van. She noted that they have GATRA also. She stated that regarding the van, they will be able to do field trips and senior days. She stated that they have a supportive day program, and this will be a service that they can have for door to door, and they can do medical appointments. ■Councilor Jones stated that he is happy with the work done at the Senior Center. ■Councilor Pellegri stated that she loves the Senior Center. She stated that there are many out-of-town people there. She asked about using the bus for medical appointments. ■Ms. Hopkins discussed how they will add in medical appointments. ■Councilor Cormier-Leger thanked them for all they do. He stated that it is a community place. ■Councilor Dellorco asked if there will be any volunteers for the driving. ■Ms. Hopkins said that they planned the budget for a part-time driver, but it should be a full-time driver with an administrative

assistant to coordinate. ■Councilor Hamblen thanked them for the work they do. She asked about the Senior Olympics. ■Ms. Hopkins stated that Senior Olympics will be a two-week event from June 12 to June 23, with 18 events, and the last day is a barbeque and award ceremony. She stated that they are always looking for volunteers.

►Hold on Line Item 610: Library. ■Councilor Frongillo stated that there are many people who do not go to the library, and they miss out on how important the library is. People who go to the library use it for so many things: it takes care of our kids, and it takes care of our teens. He stated that there are always opportunities to be better. He asked how they think about their vision of where they would like to be. ■Library Director Felecia Oti and Youth Services Librarian Caleigh Keating addressed the Town Council. ■Ms. Oti stated that they have a wish list. She stated that they have a five-year strategic plan. She stated that she is aware that many people do not use the library. She stated that the footprint of the library has increased, but staffing levels have stayed the same, and programming is up. She stated that they almost do 120 programs a month. ■Ms. Keating explained that they are in the middle schools every week; they bring carts of book to the schools. They promote a culture of reading. ■Ms. Oti stated that library visits have increased. She stated that summer is the busiest time of year. She stated that the building is already too small, and Ms. Keating is going to run all of her programs outside. She stated that Dean College has offered their facilities for programs when it rains. She discussed the increase in programming. She stated that they need more professional staff. She stated that Ms. Keating is a department of two. She talked about the strategic plan. She stated that people want the programs to go to them. She stated that some people do not have the means to get to the library. She stated that they need more money to keep the collections current. She stated that they are here to meet the needs of the people. She stated that they also need to expand their hours. She stated that with a little more money, they could be open seven days. ■Councilor Frongillo stated that Ms. Keating has made a large impact on the town. He stated that we need more money. ■Mr. Hellen noted making the investment for full-time folks with higher level education degrees. He stated that this has been a critical piece. ■Councilor Jones asked about the state's requirement for funding. ■Mr. Hellen reviewed the minimum requirement that satisfies the state from putting the town on the waiver list regarding the library. ■Councilor Jones asked what else the library would want. ■Ms. Keating stated an outdoor play area for families. ■Councilor Sheridan suggested programs in different languages. ■Ms. Keating discussed that in the past, they have done some bi-lingual story times. ■Councilor Cormier-Leger stated that he would hope there will be some collaboration with the schools. ■Ms. Keating explained the current collaboration. ■Councilor Chandler stated that Ms. Oti has a great staff. He noted that Ms. Oti's budget went down, and he appreciates that. ■Mr. Stephen Sherlock, 10 Lawrence Drive, stated that a problem is that the library's calendar and Senior Center's calendar are so big that they cannot fit into the community calendar. He stated that there are five calendars for people to look at to see what is going on.

►Hold on Line Item 630: Recreation. ■Chair Mercer stated that he held this department because he thinks it is important for the community to hear what is going on at the Recreation Department. ■Recreation Director Ryan Jette stated that he is having the busiest year that he can remember, and revenues continue to be impressive. He stated that they have signed up over 6,300 kids this year so far. He stated that they have some great projects being worked on. ■Councilor Dellorco stated that we have a good youth sports organization in town. He stated that he thinks Mr. Jette is the best recreational director in the state. ■Councilor Jones confirmed that the Recreation Department is still the only budget line item that is self-funded. ■Mr. Jette stated that there are three full-time staff members. ■Chair Mercer stated that the collaboration with the schools is a great thing. ■Councilor Hamblen noted that Mr. Jette and his staff take care of the community garden. ■Mr. Jette reviewed some of his CPA projects. ■Stacey, resident (via Zoom), thanked the Recreation Department for all they do.

►Hold on Line Item 695: Cultural Council. ■Councilor Jones asked about the increase. ■Mr. Hellen stated that they have been trying to work on this for a few years. He stated that if they are going to have a

town cultural festival, they should have some level of funding and seed money rather than having the volunteers do all the fundraising work. He stated that if approved, a public arts director would oversee all of this. This is just a small investment. He explained that with the competing demands, this is having everyone getting a little something in the budget. ■Councilor Jones noted that the cultural festival would not be returning this year. ■Councilor Cormier-Leger stated that the need is there, and it is nice to see the dollars put forth from the Town for the arts. He discussed the importance of the grants. ■Ms. Kaye Kelly, resident, said thank you for the extra \$10,000. She reviewed the requests that are put in for grants. She stated that they are calling it an intermission regarding the festival. She stated that she just could not do it this year. She stated that hopefully, they will regain the volunteers that they need; she hopes the festival is something that they can come back to.

►Chair Mercer stated that concludes all the held departments. He stated that they are required to have two public hearings on the budget. He stated that he declared the continuation of the first public hearing on the FY24 Town Council Annual Operating Budget closed.

►Chair Mercer stated that he declared the second public hearing on the FY24 Town Council Annual Operating Budget open.

►Chair Mercer stated that he is going to do this differently. They are not going line item by line item, department by department. He is going to reach out to the Town Council and ask them if they have any questions on any departments that were not asked last night that they would like to ask during this second public hearing. ■Councilor Cormier-Leger asked for a follow up to the question asked to the School Department last night about the balance in the reserves at the end of FY23 and FY24. He asked how many vacancies are in the School Department for FY23. ■Superintendent of Schools Lucas Giguere and Ms. Miriam Goodman, School Business Administrator, addressed the Town Council. ■Ms. Goodman reviewed that FY23 revolving accounts anticipate ending somewhere in the \$8.1M range which does not include food service which is self-sustaining. She stated that the FY24 year end is anticipated to be about \$5.9M. She stated that we have \$7.1M anticipated to be used toward the FY24 budget, and we will also pick up about \$4.7M in FY24. She explained how the fund gets the money. She stated that revolving accounts are established through Mass General Law. She stated that they are fee-based accounts. So, money is charged to participants for a fee such as athletics, extracurricular activities, and transportation, and the money goes into the account. She explained that the \$8.1M surplus is not in the school budget. She stated that you set the budget on an annual basis and whatever we do not spend at the end of the year would fall to free cash and go into the towns general fund at the end of the year. She reviewed that the revolving accounts revolve from year to year; the money raised in the account is used to offset particular line items within the budget. She stated that at the beginning of the year they had far more vacancies and they filled some over the year. She does not know how many there are right now. ■Chair Mercer explained that the question may be has there been a surplus that has gone back to free cash. ■Ms. Goodman stated that generally, they try to minimize the surplus going back to free cash. She stated that they try to spend the budget that is allocated to them. ■Councilor Cormier-Leger asked about the pink slips that went out. He asked about the arts and music cuts. ■Mr. Giguere stated that he could share broadly. He stated that they did not renew 24 members. He stated that 10 were involuntary transfers due to movement and contractual seniority. He stated that the second part of the question is if any funding were received, would we bring back staff. He stated that they would look to bring back some staff. He stated that some of the decisions to not renew were enrollment driven. He talked about the arts and music cuts. He stated that unfortunately, they have to make tough decisions. He stated that they look at enrollment first. He stated that for music, it is a supportive community that is looking out for every interest. He stated that our goal is not to remove programming. He noted the 24 staff member cuts. He stated that he would say to the music folks that he is cognizant of the impacts of the cuts and this is tough. He explained that there is a finite amount of money that we are working with. He stated that the money they have is not enough to do the job the way it should be done. ■Councilor Frongillo stated that he

wanted to give them the opportunity to address some of the questions he has been hearing. He reviewed that the budgets for the next few years are unsustainable and are larger than the amount of money we bring in. He stated that we need to fund our schools. He asked them to speak about the notion of sustainability of the current budget. He stated that another question he hears is about efficiencies and is looking at facilities to house the number of expected students. ■Mr. Giguere stated that it has been made clear to him the consternation on the teacher contract. He stated that whether people agree or not, the decision to bargain with the teachers and support the teachers ended with the agreement. He stated that the messaging has been made clear to him about this. He reviewed how they developed their budget for this year. He reviewed the idea of trying to keep an organization going with high quality people, and they want the best, and that was the attempt to do that. He reviewed efficiencies and discussed that they did a redistricting analysis. He stated that they had a report that came out after the Davis-Thayer closure. He stated that at the end of the redistricting analysis, it seemed like a longer-term plan to analyze each of their facilities. So, we are not moving kids yet because we do not want to do this twice. We know that the report did not include how we used specialized programs. He stated that they need to analyze what are our needs. He stated that when looking at enrollment, within 2.5 to 3 years they are going to have the same number of kids they have now in elementary school. ■Councilor Sheridan asked about the timeline for pink slips. ■Mr. Giguere reviewed the contractual obligation and the timing of the pink slips. ■Councilor Jones asked what can the School Committee do to reach out to legislators to address unfunded mandates. ■Mr. Hellen discussed unfunded mandates. He stated that they are incredibly difficult and challenging to fix. ■Chair Mercer stated that unfunded mandates are nothing new. He stated that he applauds the Franklin School system for working on the collaboratives and the inclusionary piece within the system. ■Councilor Pellegrini asked about the \$8.1M in the revolving account. ■Ms. Goodman stated they use revolving funds to supplement the budget. She reviewed how funds may fall to free cash. ■Mr. Stephen Sherlock, 10 Lawrence Drive, stated that he wanted to provide a historical perspective. He reviewed the 2008 joint meeting between Town Council and School Committee due to a reporting issue. He thanked Ms. Goodman for her hard work and said happy retirement. ■Ms. Oti thanked the schools for the parking and the great communication between the library and schools. ■Mr. Giguere thanked Ms. Goodman for her work and wished her happy retirement.

■Councilor Frongillo asked the Facilities Department about the flooding they had this year at the Senior Center. He asked about investments that could be made to prevent large expenses like those. ■Director of Franklin Public Facilities Michael D'Angelo explained how MIIA pays the bills, how everything gets fixed, and how MIIA usually sues after an incident. He reviewed the cause of the Senior Center flood. He reviewed the three incidents at the school that happened over seven years and that MIIA sued the contractors for that. ■Mr. Hellen stated that MIIA is a great insurance company. He noted that there is a lot of facility in this community and only \$3.5M available. ■Town Attorney Mark Cerel stated that you do the best you can, and it depends on the circumstances, which is why you carry insurance, because you cannot possibly predict everything, and you minimize your risk by maintaining your buildings.

►Chair Mercer stated that he will declare the second public hearing on the FY24 Town Council Annual Operating Budget closed. He stated that he would like to turn it over to Mr. Hellen. ►Mr. Hellen stated that the public hearings are done, the voting document and the resolutions are on the agenda. There is another public hearing scheduled for tonight. He stated people have asked him where they go from here. He stated the cherry sheets have not been released yet. He stated that if everyone is in agreement, they can move forward with his suggested budget adjustments/recommendations. He reviewed the state's legislative process and that they are usually obligated to deliver a budget by June 30. He stated that the assumptions used will be based on the Senate budget. He reviewed that the Capital Budget Subcommittee already approved the gear for this year for police and fire; we are talking about next year. He reviewed his suggested budget recommendations and the additional funds for the School Department. He discussed the required two-thirds authorization for the MECC stabilization account and stated that it is an item that needs to be put on the agenda which means you need 48 hours to put out. He noted that additional

adjustments can be made all the way through November. He stated that he has always said to the School District, if there is some sort of funding or something that pops up, they just need to walk next door and ask and talk to him, and they will talk to the Finance Department. He stated that the \$1.8M increase and some of the other things they are working on over the summer can provide at least a significant amount of relief for some of the issues they have heard over the last couple of days. He recommended voting on the voting document as is. Then, on June 7, we will put two resolutions on the agenda to modify the document and the budget amendment from what is being voted tonight to update the number including for the MECC. ► Chair Mercer stated that this is plan B that we continue to talk about. It certainly gets us to a number that is consistent with what we have been able to do for the past four or five years. He thanked Mr. Hellen.

HEARINGS: 7:00pm (continued). ► **Bylaw Amendment 23-897: Sewer Rate Increase.** ► Chair Mercer declared the public hearing open. ► Mr. Hellen stated that this has been discussed. We are required to do this. This is the final and second vote for a three-year sewer rate increase to pay for the 109-year-old Beaver Street interceptor replacement. ► Chair Mercer declared the public hearing closed.

LEGISLATION FOR ACTION:

Note: Two-Thirds Vote requires six votes; Majority Vote requires majority of members present and voting.

- a. **Resolution 23-33: Adoption of the FY24 Budget (Motion to Approve Resolution 23-33 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 23-33: Adoption of the FY24 Budget by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Councilor Frongillo stated that he wanted to speak to the adjustments because they are important, and this is the process at work. He discussed that these sessions are to scrutinize what Mr. Hellen put forward and make adjustments as necessary. He stated that we are lucky to have Mr. Hellen. ► Chair Mercer thanked the town administrator, the superintendent of schools, the entire School Department, the entire municipal part of our government, and every department head and staff member for the work that goes in to putting together a \$150M budget. ► **VOTE: Yes-9, No-0, Absent-0.**
- b. **Resolution 23-34: Salary Schedule: Full-Time Elected Official - Town Clerk. (Motion to Approve Resolution 23-34 - Majority Roll Call Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 23-34: Salary Schedule: Full-Time Elected Official - Town Clerk by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated that this is required by law that the Town Council approve the salary for this elected official. This salary increase is commensurate at 2.5 percent with other Town employees. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**
- c. **Resolution 23-35: Departmental FY24 Expenditure Limits, Town Code Chapter 73, MGL Chapter 44, Section 53E1/2 (Motion to Approve Resolution 23-35 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 23-35: Departmental FY24 Expenditure Limits, Town Code Chapter 73, MGL Chapter 44, Section 53E1/2 by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated that this is required by statute to reauthorize every year; these are the same limits that have been in Town bylaw for many years. ► Councilor Cormier-Leger provided a review of a revolving fund. He confirmed that the balances in the accounts at the end of the year just stay there and get used for the same purposes the next year. ► **VOTE: Yes-9, No-0, Absent-0.**
- d. **Resolution 23-23: Approval of FY24 Community Preservation Annual Budget (Motion to Approve Resolution 23-23 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve**

Resolution 23-23: Approval of FY24 Community Preservation Annual Budget by **Dellorco**. **SECOND** by **Hamblen**. **Discussion:** ► Mr. Hellen stated that this is the approved recommended budget from the CPC for the year. ► **VOTE: Yes-9, No-0, Absent-0.**

- e. **Resolution 23-24: FY24 Community Preservation Appropriation of Debt Service Funds – Maple Hill and Schmidt Farm (Motion to Approve Resolution 23-24 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 23-24: FY24 Community Preservation Appropriation of Debt Service Funds – Maple Hill and Schmidt Farm by **Dellorco**. **SECOND** by **Hamblen**. **Discussion:** ► Mr. Hellen stated that this is required payment. ► **VOTE: Yes-9, No-0, Absent-0.**
- f. **Resolution 23-25: FY24 Community Preservation Appropriation of Capital Funds (Motion to Approve Resolution 23-25 - Majority Vote).** ► **MOTION to Waive** the reading by **Cormier-Leger**. **SECOND** by **Dellorco**. **No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve** Resolution 23-25: FY24 Community Preservation Appropriation of Capital Funds by **Dellorco**. **SECOND** by **Hamblen**. **Discussion:** ► Mr. Hellen stated that he requests a last-minute amendment to this to take off the Nason Street Tot Lot. This is good news as the project is done. The money will go back in the budgeted reserve. We do not need the \$25,000. He stated that the Nason Street Tot Lot opens on Wednesday, May 31, at 5 PM. ► **MOTION to Amend** Resolution 23-25: FY24 Community Preservation Appropriation of Capital Funds to remove the \$25,000 allocation to reduce the total amount by **Frongillo**. **SECOND** by **Dellorco**. **No discussion.** ► **VOTE (on the amendment): Yes-9, No-0, Absent-0.** ► **VOTE (on the amended motion of Resolution 23-25): Yes-9, No-0, Absent-0.**
- g. **Bylaw Amendment 23-897: Sewer Rate Increase - Second Reading (Motion to Approve Bylaw Amendment 23-897 - Majority Roll Call Vote).** ► Councilor Jones read the bylaw amendment. ► **MOTION to Approve** Bylaw Amendment 23-897: Sewer Rate Increase by **Dellorco**. **SECOND** by **Hamblen**. **Discussion:** ► Councilor Pellegri asked how can we predict what it is going to be. She asked why we are not doing one year. ► Mr. Hellen explained that the financing is set; the application had to lay out the costs for the entire project. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**
- h. **Resolution 23-36: Authorizing the Borrowing of Money to Pay Costs Associated with Designing, Constructing and Equipping a PFAS Treatment Facility at the Well 7/7A Site (DWSRF 12544) (Motion to Approve Resolution 23-36 - 2/3 Majority Vote).** ► **MOTION to Waive** the reading by **Cormier-Leger**. **SECOND** by **Dellorco**. **No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve** Resolution 23-36: Authorizing the Borrowing of Money to Pay Costs Associated with Designing, Constructing and Equipping a PFAS Treatment Facility at the Well 7/7A Site (DWSRF 12544) by **Dellorco**. **SECOND** by **Hamblen**. **Discussion:** ► Mr. Hellen stated that this is the same thing we talked about a few weeks ago. He stated that we need to do both of these votes as required by code to send to DEP for approval. ► **VOTE: Yes-9, No-0, Absent-0.**
- i. **Resolution 23-37: Authority for Town Administrator to File Drinking Water State Revolving Fund Loan Application (Motion to Approve Resolution 23-37 - 2/3 Majority Vote).** ► **MOTION to Waive** the reading by **Cormier-Leger**. **SECOND** by **Dellorco**. **No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve** Resolution 23-37: Authority for Town Administrator to File Drinking Water State Revolving Fund Loan Application by **Dellorco**. **SECOND** by **Hamblen**. **Discussion:** ► Councilor Frongillo asked for a quick summary of this. ► Mr. Hellen stated that we are being required by the Commonwealth and/or EPA to upgrade for the PFAS regulations which is a forever chemical. This loan application is for a \$6.5M upgrade to our wells to make them more PFAS

compliant. He noted that the Town Council is sending a letter regarding the unfunded mandate.

► **VOTE: Yes-9, No-0, Absent-0.**

- j. **Resolution 23-38: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 (Motion to Approve Resolution 23-39 - Majority Vote).** ► **MOTION to Waive** the reading by **Cormier-Leger. SECOND by Dellorco. No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**
 ► **MOTION to Approve** Resolution 23-38: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 by **Dellorco. SECOND by Hamblen. No discussion.**
 ► **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Hellen thanked all of the councilors for their support and all for an incredible job on the budget. He stated that tomorrow is the Memorial Day breakfast from 9 AM to 11 AM. He noted the parade on Monday.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** None
- b. **Economic Development Subcommittee.** None.
- c. **Budget Subcommittee.** None.
- d. **GATRA Advisory Board.** ► Councilor Frongillo said that he would provide a GATRA update at the next meeting. He stated that he would speak to Arts and Culture. He stated that they had their third and final listening session, and they are now working on organizing all the thoughts they collected.

FUTURE AGENDA ITEMS: ► Councilor Pellegri stated that they should look at the Town Council rules and regulations so the hearings do not go on to midnight.

COUNCIL COMMENTS: ► Councilor Cormier-Leger thanked everyone who came out to the third Arts and Culture tour. He stated welcome to PCI, a company that just opened a gigantic mail facility in Franklin. He gave condolences to the Gaspar family. He stated that he is looking forward to attending the breakfast tomorrow. He stated that this was not an easy two days, but he thinks we can feel good about where we are and where we are going. ► Councilor Chandler stated they did a good job on the budget and it was a lot of work. He thanked all of the department heads and their people. ► Councilor Pellegri thanked all the department heads and their people; it was a difficult budget. ► Councilor Sheridan gave condolences to the Gaspar family. He asked everyone to remember those who gave their lives for this country. ► Councilor Frongillo stated that he wanted to add on the note of cultural grants and investments. He received a grant to pilot a local movie theater experience to bring that back; their second film is on Tuesday at 7 PM at The Black Box theater. ► Councilor Hamblen thanked all for their work on the budget. She stated that she was trying to process all the feelings and emotions that happened last night and that usually around this time in the term she critiques herself to see if she is being effective. She stated that today, she thought why did I move to Franklin. She stated that she has been here 13 years. She stated that she came here for the open space and the low tax rate. She stated that now she knows what a low tax rate means. She discussed the budget and that it is a struggle to get all the things done. She thought about what they learned last night. She stated that they learned when they are out of their comfort zone. She stated that the administrators are fearful that they cannot sustain this. She stated that the conversations they had help everyone understand where they all stand, and she thanked Councilor Frongillo and Mr. Giguere for what they said. She stated that she wants to validate feelings so they can move forward as a team. She stated that they can get tough things done. ► Councilor Jones stated that this has been his fifteenth budget. He stated that he is happy and proud of everyone who stepped up during this budget season. He noted that his son received an award for best actor. He noted the eighth grader who spoke last night about the importance of music was his daughter, and he congratulated her. He explained that every part of our system matters to someone. He stated that at the end of the day, they have to make

some tough decisions, but he thinks they did a good job. He explained the valuation of the town is that it is a \$4.6B community. ► Councilor Dellorco thanked everyone on the budget process and stated that now they have to fix it. He noted the veterans' breakfast for tomorrow. He encouraged everyone to thank the veterans especially those who never made it home. He stated that on July 3, Franklin Rod and Gun is having a fishing derby. He reviewed the cost and food provided. He stated that every kid gets a trophy no matter the size of the fish. ► Chair Mercer offered condolences to the Gaspar family for their tragic loss. He thanked all involved for their work on the budget. He stated that the budget is the most important thing that we do. He stated his concerns for the entire community is the sustainability of where we are and how we move forward. He stated that he is looking forward to working together with the joint budget subcommittee in putting together a strategic financial plan as we move forward for the next three to five years for what we need to be looking at and what we may or may not need for an override, but these are things that we have to develop a plan for. He stated that he thinks we are in a good place; we have worked hard over the past couple of days as a council.

EXECUTIVE SESSION: None.

ADJOURN: ► MOTION to Adjourn by Hamblen. SECOND by Jones. No Discussion. ► VOTE: Yes-9, No-0, Absent-0.

Meeting adjourned at 10:44 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
June 7, 2023**

A meeting of the Town Council was held on Wednesday, June 7, 2023, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA. Councilors present: Brian Chandler, Theodore Cormier-Leger, Robert Dellorco, Cobi Frongillo, Melanie Hamblen, Glenn Jones, Thomas Mercer, Deborah Pellegri, Patrick Sheridan. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney.

CALL TO ORDER: ► Chair Mercer called the meeting to order at 7:00 PM. Chair Mercer called for a moment of silence. All recited the Pledge of Allegiance.

ANNOUNCEMENTS: ► Chair Mercer reviewed the following as posted on the agenda. A Note to Residents: All citizens are welcome to attend public board and committee meetings in person. Meetings are live-streamed by Franklin TV and shown on Comcast Channel 11 and Verizon Channel 29. In an effort to maximize citizen engagement opportunities, citizens will be able to continue to participate remotely via phone or Zoom. He announced that this meeting is being recorded by Franklin TV; this meeting may be recorded by others.

CITIZEN COMMENTS: ► Mr. Richard Ciccone, 185 Chestnut Street, stated that a previous Town Council discussed saving an old generator from the old high school. He stated that for many years he was told it was going to be used. He stated that the generator is no longer where it was at the DPW. He asked the Town Council to look into where it is. He stated that it was an expensive piece of equipment, and he does not think it was used. ► Ms. Marcella Dichiaro, 29 Charles River Drive (via Zoom), stated that she was the mother of two public school children. She thanked the Town Council for their service. She stated that she wanted to address the budget crisis in the school. ► Chair Mercer stated that this is an agenda item tonight; so, it cannot be spoken about during citizen comments. He stated that citizen comments are for items that are not on the agenda. He stated that she will be able to speak during this item during legislation for action. ► Ms. Dichiaro stated that she can hold off speaking. ► Ms. Mary Oneill, 102 Beaver Street, stated that she had a sign made for her lawn which she held up to show that it says kindness matters. She stated that people at Allegra Printing loved it; they printed 100 signs. She stated that she hopes lots of people in town will take some. She stated that it makes people think. She would like to see them throughout the town.

APPROVAL OF MINUTES: ► *April 12, 2023, April 26, 2023, & May 3, 2023.* ► **MOTION to Approve** the April 12, 2023 meeting minutes by **Dellorco. SECOND by Jones. No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve** the April 26, 2023 meeting minutes by **Dellorco. SECOND by Jones. No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve** the May 3, 2023 meeting minutes by **Dellorco. SECOND by Jones. No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: ► *Recognition: Electric Youth.* ► Chair Mercer stated that this is a proclamation recognizing Electric Youth. He read aloud the proclamation honoring Electric Youth on the occasion of their 2023 European tour. ► Ms. Raye Lynn Mercer thanked the Town Council and reviewed the tour. She noted some of the performers at The Black Box. ► Electric Youth members introduced themselves and gave a singing presentation.

APPOINTMENTS: ► *Annual Reappointments of Boards and Committees.* ► Mr. Hellen stated that the list of reappointments is provided. He stated that his memo to the Town Council dated June 2, 2023, which is provided in the meeting packet, provides a list of vacancies. He noted that there is one new appointment which is for Bill Batchelor as a member of the Finance Committee for a full term.

► Councilor Jones read the Committee Appointments June 2023 document. ► **MOTION to Ratify** the Annual appointments to the following boards and commissions (as listed on the Committee Appointments June 2023 document) by **Jones. SECOND by Dellorco. No discussion. ► VOTE: Yes-9, No-0, Absent-0.** ► Chair Mercer thanked all those who were just appointed.

► ***Davis-Thayer Building Reuse Advisory Committee.*** ► Councilor Jones read the appointments.

► **MOTION to Ratify** the appointments of the names listed (on the document) by the Town Administrator to serve as members of the Davis-Thayer Building Reuse Advisory Committee with terms to expire on December 31, 2023, by **Jones. SECOND by Dellorco. Discussion:** ► Mr. Hellen reference his memo to the Town Council dated June 2, 2023, which was provided in the meeting packet. He stated that there were many great applicants. He explained how the applicants were selected for committee membership. ► Councilor Chandler thanked Mr. Hellen for doing all of this. He stated that he thinks people were concerned about whether they were going to rent, sell, or even give Davis-Thayer to Dean College. He stated that he wants people to know that a lot of people were concerned about that.

► Councilor Jones stated that he heard the same thing. He stated that he lives close to Davis-Thayer. He stated that he has full faith in the members who are going to sit on the committee. He stated that the ultimate hope is that Davis-Thayer becomes some form of community building. He stated that one of the best things about Davis-Thayer when it was an elementary school is that it was one of the top performing elementary schools in Massachusetts. He thanked all who worked in the building over the years.

► Councilor Dellorco stated that he has full confidence in the committee. ► Councilor Pellegri thanked all those who sent in applications for the committee. She confirmed that after the committee makes their recommendation, it will go to the full Town Council. ► Chair Mercer stated that they are looking for some options from the committee. ► Mr. Hellen stated that the movers will be cleaning out the building so they can do an open house. He stated that the committee will have to walk through the building to see it regarding the potential reuse of the building. He does not think there is a legally required public hearing. He stated that the fiduciary responsibility is to maximize the asset that the public owns. The economics of it will have to be carefully considered. He explained that they would like to have the meetings in the Council Chambers so they can be videotaped, but there is a lot of competition to use the room. ► Mr. Richard Ciccone, 185 Chestnut Street, stated that this Town Council six months ago voted money for a consultant to look into sites. He stated that they put \$150,000 into that study. He stated that he is passionate about that site as a police station. He stated that there are no drawbacks to that building; it will be cleared out except for the four walls. He stated that it can be done. ► **VOTE: Yes-9, No-0, Absent-0.**

HEARINGS: 7:00 PM. ► ***License Modification - Change of Officers/Directors/LLC Managers, Change of Stock Interest: Dharma Bhakti Corporation d/b/a Liquor World, Located at 365 West Central St., Franklin, MA 02038 (License Transactions (a)).*** ► Chair Mercer declared the public hearing open. ► Mr. Hellen stated that these are kind of pass throughs for the Commonwealth. ► Mr. Matthew Porter, attorney for the applicant (via Zoom), explained that this is just an internal transfer; there are no changes to the structure of the business. ► Chair Mercer declared the public hearing closed.

LICENSE TRANSACTIONS: ► ***License Modification - Change of Officers/Directors/LLC Managers, Change of Stock Interest: Dharma Bhakti Corporation d/b/a Liquor World, Located at 365 West Central St., Franklin, MA 02038.*** ► Councilor Jones read the license transaction. ► **MOTION to Approve** the request by Dharma Bhakti Corporation d/b/a Liquor World, located at 365 West Central St., Franklin, MA 02038, for a License Modification for Change of Officers/Directors/LLC Managers, Change of Stock Interest, by **Jones. SECOND by Dellorco. No discussion. ► VOTE: Yes-9, No-0, Absent-0.**

HEARINGS: 7:00 PM (continued). ► ***Zoning Bylaw Amendment 23-894: To Amend Chapter 185, Section 3 of the Code of the Town of Franklin to add Accessory Dwelling Unit (ADU) Definition (Legislation for Action Item #9a).*** ► ***Zoning Bylaw Amendment 23-895R (formerly 23-895): To Amend***

Chapter 185, Attachment 8, Use Regulations Schedule Part VII: Accessory Uses of the Franklin Town Code to Add Accessory Dwelling Residential Units (Legislation for Action Item #9b). ► **Zoning Bylaw Amendment 23-896: To Amend Chapter 185, Section 19 of the Code of the Town of Franklin to Add on Accessory Dwelling Unit Setbacks (Legislation for Action Item #9c).** ► Chair Mercer declared the three public hearings open. ► Mr. Hellen explained that these three pieces of legislation which are in the public hearing process are all first readings. He discussed the legislation that has been through the EDC + Steering Committee which was a 6-0-1 vote. He reviewed that at their April 12 meeting, the Town Council voted to refer these three bylaws to the Planning Board. He explained that 23-894 and 23-896 were referred to the Planning Board unanimously and 23-895 (now 23-895R) was referred to the Planning Board as amended with a vote of 6-2. He reviewed that the Town Council altered the EDC's recommendation to allow ADUs by right in the rural zoning districts. He reviewed that the Planning Board voted unanimously (5-0) at their May 8 meeting to recommend adoption of all three, as originally presented by the EDC + Steering Committee, to the Town Council. In other words, the Planning Board is recommending to reject the amended version of 23-895. He explained that the legislation has not been altered as the Planning Board only makes a recommendation; therefore, it is still in the form that the Town Council approved. ► Building Commissioner Gus Brown discussed his thoughts on the bylaws. He stated that it is his opinion that ADUs should be a right and not require a relative to live in the home. He stated it should still require a special permit from the ZBA for the zones that Mr. Hellen brought up. He stated that what worries him is if an ADU were to be introduced in an open space subdivision such as Bridle Path or Skyline Drive. He stated that his opinion is that they have an obligation to notify the abutters which is the way it is now. He stated that the Building Department already receives calls from neighbors asking why they were not notified of a building project. He discussed if ADUs should be granted by right. He sees in the future abutters feeling blindsided if an ADU is given the go-ahead to be built on a nearby property. He stated that it is important for the Town to maintain control; if you make it by right, you lose control. He stated that he asked the Town Council to vote down any allowed by right ADUs. He stated that he has been here for 25 years and the process that the ZBA works with has not had any issues. ► Councilor Hamblen asked about Skyline Drive and stated that they do not fit the setbacks of a Rural Residential 1 zoning district which would make it become a special permit. ► Mr. Brown stated that it could become a variance. He discussed that if this is approved without the requirement of a special permit, the Building Department will get phone calls because abutters will feel blindsided that something is being built next to their home and why were they not notified. The way the process works now is flawless with the ZBA. This is the way to proceed. If an ADU is done by right, they are going to get the blindsided feedback from people. He stated that he thinks it is a huge step forward that it does not have to be a relative. That helps people out if they are having financial issues, and we want more housing in Franklin. ► Councilor Hamblen thanked the Steering Committee members and the Town staff for their work on the bylaw. She stated that it is great that we brought these things out. She reviewed the process for how the bylaw moves forward. She stated this is how we get to the best possible proposal. She stated that the goal is to incrementally increase density. She discussed her thoughts on the bylaw definition. She is glad to have these discussions. She stated that she is okay with recommending what the Planning Board said with the caveat that we still agree we have more steps to go to make it easier for people to do this. ► Councilor Chandler thanked the EDC and Planning Board. He stated that he believes that people have a right to do what they want on their property by right. He does not want to see the ZBA deny any resident who wants to help their child or elderly parents move onto their property. He stated that the real question he has is why some zones can do this by right and not everybody. He thinks that everybody should have that right. The process is not easy and if it was by right, it would be easy. He stated that he does not want to control everybody. He asked why do they have to go to the ZBA. ► Councilor Cormier-Leger confirmed that a permit is still required even if it is by right. He stated that seems like the control piece over the project. ► Councilor Dellorco stated that if it were by right, the neighbors would have no say. He stated that is his concern. ► Councilor Pellegrini stated that this has been going on for a long time. She asked how do you know who is going into the apartment and it is a family member when someone is moving out. We should allow people to have whoever they want to move into the apartment. ► Mr. Brown stated it is a challenge. He stated that it is fantastic now that it does not have to be a relative.

► Councilor Frongillo stated that he has been beaming at all the comments from his colleagues. He stated that we are talking about the by right in the rural areas. He stated that it has been said that the ZBA process works, but he asked who has it worked for. He discussed that many homes are larger than the people need. In response, accessory dwellings units have been recognized. He stated that the states of California and Connecticut allow accessory dwelling units by right. He stated this is where people are going. He discussed what it means to be by right. He stated that by right still means that you need a building permit. He discussed the special permit and stated that it can be denied and can inherently be a risk for people moving forward. We say that we want affordable housing units and more revenue, and this is an opportunity. ► Chair Mercer stated that he does not support the by right at this juncture. He supports the bylaws. He thinks they are great steps forward. He stated that one of his concerns is the neighbors. By going by right, the neighbors do not get to speak about what is getting built right next to them. He stated that he does believe in these bylaws and he does see steps forward such as it getting away from being a family member and being attached. His concern is that maybe they are going too fast. He stated that once they give something, they are not going to get it back. He reviewed the Franklin for All work. He stated that they can change things going forward, but let us take small steps forward. ► Director of Planning and Community Development Bryan Taberner stated that he wanted to address the amendment that was made. He discussed that one column in the chart was changed and sent to the Planning Board. That would give by right to those four zoning districts: RI, RII, RVI, and RVII. He discussed each of those districts being discussed for ADUs by right. He stated that regarding the amendment that was made, he does not think it was appropriate for RVI and RVII at all. He stated that maybe for RI and RII it should be allowed under certain circumstances only. ► Mr. Hellen summarized that what the public is hearing tonight is not consensus. The Planning Director and staff, Town Council, Planning Board, and ZBA are not all in agreement and have different views. This has to give all of us a little pause and are we going a little too fast. If this is how we feel in the room, this may be how the public is feeling, and it may be the reaction people have to certain ADUs for their neighbors or on their street. He stated that this is a major change in zoning for Franklin. He noted that the ZBA has only denied one in their history. He stated let us see how these go for a year or two and then revisit this. He stated that he does not hear that the ZBA denies very much at all. He summarized that this is an amazing conversation. But, as a community, taking this step forward for a year or two and seeing how these are and how they work out is a much more civil step forward than saying they should allow them by right everywhere as he sees there may be a potential consequence to that. ► Councilor Jones stated this has been vetted and the general consensus is that it should be by special permit for those zones. He noted that RI and RII can be readdressed in the future regarding making them by right. ► Councilor Frongillo stated that he has a point of information. He stated that the way the current amendment is written in RVII which is Cook's Farm and someone brings an accessory dwelling unit proposal, within 15 ft. of a neighbor, is that allowed by right for this proposal or do they have to go to the ZBA. ► Mr. Brown stated that if they can meet the setbacks and the amendment passed, it would be by right and there would be no oversight by any board. ► Mr. Taberner discussed that the development is a condo ownership, and there is only one lot with all the houses on it. There is a 40 ft. setback around the perimeter of the lot but not between buildings. If someone wanted to build an ADU separate from their building, they would be building on the condo association property. In that case, if you are allowing an ADU by right, they could allow them within the building without changing the shape of the building. They could have an ADU inside every one of the buildings. They would be coming to the building commissioner for a permit to add a kitchen to the structure. He does not think everyone in that neighborhood would want everyone to have a second kitchen in their house. ► Chair Mercer stated that the question was what are the setbacks for zone RVII. ► Discussion commenced on the by right in zone RVII and the required setbacks. ► Councilor Frongillo stated that he thinks that is wrong and reviewed what he thought were the setbacks for ADUs. ► Mr. Taberner reviewed the setbacks for accessory use for buildings separate from the primary structure and ADUs internal within the primary dwelling. ► Councilor Jones noted the general consensus for the zones discussed. ► Councilor Cormier-Leger asked about the number of bedrooms for an ADU. ► Mr. Brown stated that the way the bylaw reads is that it is up to two. ► Councilor Cormier-Leger stated that the law states that the septic system is by bedroom and not by people. He stated that this can be a gigantic barrier to people

doing this. ► Councilor Chandler asked if we did this by right, would it allow mobile homes and trailers. ► Mr. Brown stated that currently there is no definition that either allows or disallows mobile homes. ► Councilor Chandler confirmed that anyone could put a mobile home in their backyard right now. ► Mr. Brown said not now, not until the bylaw is weeded out. Right now, there is a separate bylaw that reads that only one principal dwelling unit is allowed on a residential lot. If they were to add a mobile home, it would be in violation of zoning and they would need a variance. ► Councilor Chandler discussed that if this were by right, they could do something like that. ► Mr. Brown said that is very possible. ► Chair Mercer declared the three public hearings closed.

PRESENTATIONS/DISCUSSIONS: None.

LEGISLATION FOR ACTION:

Note: Two-Thirds Vote requires six votes; Majority Vote requires majority of members present and voting.

- a. ***Zoning Bylaw Amendment 23-894: To Amend Chapter 185, Section 3 of the Code of the Town of Franklin to add Accessory Dwelling Unit (ADU) Definition - First Reading (Motion to Move Zoning Bylaw Amendment 23-894 to a Second Reading - Majority Vote).*** ► Councilor Jones read the zoning bylaw amendment. ► **MOTION to Move** Zoning Bylaw Amendment 23-894: To Amend Chapter 185, Section 3 of the Code of the Town of Franklin to add Accessory Dwelling Unit (ADU) Definition to a Second Reading by **Dellorco. SECOND by Hamblen. Discussion:** ► Councilor Hamblen stated that this is what everyone agreed on, and this is what we need to do which will lead us to the goal. ► **VOTE: Yes-9, No-0, Absent-0.**

- b. ***Zoning Bylaw Amendment 23-895R (formerly 23-895): To Amend Chapter 185, Attachment 8, Use Regulations Schedule Part VII: Accessory Uses of the Franklin Town Code to Add Accessory Dwelling Residential Units - First Reading (Motion to Move Zoning Bylaw Amendment 23-895R to a Second Reading - Majority Vote).*** ► Councilor Jones read the zoning bylaw amendment. ► **MOTION to Move** Zoning Bylaw Amendment 23-895R (formerly 23-895): To Amend Chapter 185, Attachment 8, Use Regulations Schedule Part VII: Accessory Uses of the Franklin Town Code to Add Accessory Dwelling Residential Units to a Second Reading by **Dellorco. SECOND by Hamblen. Discussion:** ► Councilor Sheridan confirmed this is the one that has the disagreement. ► Mr. Hellen stated that this is the amended one. The Planning Board recommended to amend this back to the original proposal from the EDC. ► **MOTION to Follow the Planning Board's Recommendation** to Amend RI, RII, RVI and RVII Back to the Original recommendation from the EDC + Steering Committee to change the "Y" to a "BA" by **Hamblen. SECOND by Jones. Discussion:** ► Councilor Frongillo stated that we have a pressing need to provide housing options. He stated that we have created an environment that people are no longer allowed to do what they want to do with their property without going before a board of peers. He stated that this is a small option to create specifically tailored housing units for people like myself as I live in an accessory dwelling unit, the only reason I can afford to live in Franklin, and this is a small way in one small area to do this. ► Councilor Sheridan discussed why he would be voting against this. ► Councilor Chandler discussed that people have made some good points. He noted that we can change this going forward. He would support this. ► Chair Mercer stated this vote is on the amendment to revert back to the original "BA" in the first column. ► **VOTE: Yes-7, No-2, Absent-0. (Councilors Frongillo and Sheridan stated NO.)** ► Chair Mercer stated now we vote to move it to a second reading as amended. ► **MOTION to Move** Zoning Bylaw Amendment 23-895R (formerly 23-895) **AS FURTHER AMENDED:** To Amend Chapter 185, Attachment 8, Use Regulations Schedule Part VII: Accessory Uses of the Franklin Town Code to Add Accessory Dwelling Residential Units to a Second Reading by **Dellorco. SECOND by Jones. No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

- c. ***Zoning Bylaw Amendment 23-896: To Amend Chapter 185, Section 19 of the Code of the Town of Franklin to Add on Accessory Dwelling Unit Setbacks - First Reading (Motion to Move Zoning Bylaw Amendment 23-896 to a Second Reading - Majority Vote).*** ► Councilor Jones read the zoning bylaw amendment. ► **MOTION to Move Zoning Bylaw Amendment 23-896: To Amend Chapter 185, Section 19 of the Code of the Town of Franklin to Add on Accessory Dwelling Unit Setbacks to a Second Reading by Dellorco. SECOND by Hamblen. No discussion. ► VOTE: Yes-9, No-0, Absent-0.**
- d. ***Resolution 23-39: FY2024 Budget Adjustment (Motion to Approve Resolution 23-39 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 23-39: FY2024 Budget Adjustment by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen reviewed his memo to the Town Council dated June 2, 2023, which is included in the meeting packet. He reviewed that before the Town Council is a FY24 budget amendment to increase the Franklin Public Schools bottom line budget by \$736,652. This figure includes approximately \$177,000 in additional state aid which reflects the higher local aid amounts approved in the state senate budget before Memorial Day. It is critical to note the final state budget will not be approved until sometime in July at the earliest. The transfers include all of the recommendations as presented to the Finance Committee and the Town Council at their budget hearings. The staff and I also dug through the budget to identify a few more areas to transfer to increase the school budget line item in lieu of the fact that my estimated local aid from the state might have been a little higher as well as the fact that the state budget is not legally adopted. The resolution before the Town Council this evening itemizes out the transferred amounts of money. If approved, this transfer will bring the school budget to a hair below \$72,000,000 for FY24 and a 2.5 percent increase. He stated that he has been raising the flag on this issue for years. ► Councilor Cormier-Leger asked about taking the money away from police and fire and what is that impact. He stated that he wanted to make sure everyone is aware that once the money goes to the School Department, the Town Council cannot control how it is spent. So, there is no guarantee that the School Department will use the money for the music programs or items that were outlined as concerns. ► Mr. Hellen reviewed that this will not have any impact on the gear the police and fire departments need this year. He reviewed that the requests will continue to be seen every year until we can find a way to fund them every year as recurring. ► Councilor Pellegrini stated that what bothers her is that they do not have the right to say what the money is to be used for. She explained that they cannot do anything regarding the extra money they are giving to the School Department; they can only hope that the School Department will use the money for what has been discussed. She stated that she hopes the parents let the School Department know what they should use the money for. She noted that this is a lot of money being taken from the Town departments to go to the School Department. ► Councilor Jones commented that the money being provided to the School Department will be appropriated by the School Department, and the Town Council cannot determine where the money will be used. ► Councilor Frongillo discussed that this is still not enough money, and we do not have enough money for all the services that we want to enjoy. ► Councilor Hamblen thanked all who worked on this. ► Councilor Sheridan stated that 22 teachers are a lot to be cut; the teacher is the most direct contact with the students. ► Chair Mercer stated that he echoes all the comments; he stated that there were nine different departments that put together the money to give to the School Department. He stated that he thinks this gets the schools to the similar number that they have been given over the last half dozen years. He stated that the parents need to understand that the Town Council does not control how the schools spend their money. He encouraged the parents to state their concerns to the School Committee. ► Ms. Marcella Dichiaro, 29 Charles River Drive (via Zoom), confirmed that this item has not officially been passed. She stated that the \$736,652 is funding that is shifting from other departments to the schools which is wonderful. She stated that she is worried about the narrative that the schools are a big burden and taking away from other deserving departments to fund the things important to us. She stated that she is nervous about the narrative. She asked if the Town Council was concerned about that. She stated that this seems like a temporary fix. She asked how can we develop a long-term strategy. She stated that she wants to move from what can

we do to here is how we can all take action and help our Town Council solve the larger issue of the budget crisis. ► Chair Mercer discussed that during the budget process and the public hearings, we spent a lot of time talking about this and how we move forward. As a Town Council, we have to look at sustainability. He asked how do we sustain the services with inflation growing and we can only increase taxes 2.5 percent. He discussed that we need to look at a forecast and look out three to five years and what do we need to do to sustain the services currently being provided. The start of that is to look at forecasts from the School Committee and then the Town Administration and combining the forecasts and putting together a meeting with those committees. He discussed the next public hearing with the joint budget subcommittee. He stated that the Town Council does not see the schools as a burden. He stated that we are looking at trying to take care of the entire community the best way possible. ► Mr. Hellen stated that he agrees with Chair Mercer. He stated that the community must start to make sacrifices. The only way out of this is to raise property taxes or revise the service delivery which includes what the School Department provides. He stated this is a huge learning curve for the community. He stated that it is going to take hours for parents to review the documents and watch the meetings so they understand. He stated that they will start the budget process in November and everyone will wonder what is happening. We need people to get engaged. He noted that there is a budget webpage for people. He suggested everyone see where the financial pressures are. ► Ms. Dichiaro stated that she is willing to put in the time and work on this, and a lot of parents are. At this point, it does not seem that there is a long-term finalized plan. She stated that putting in the hours is worth the effort. ► Mr. David McNeill, chair of the Schools Budget Subcommittee (via Zoom), stated thank you for doing this, and the spirit of collaboration is appreciated. He stated some of this will go to some of positions that would have been cut and some of the programs. He looks forward to being part of the discussions coming up with the joint budget committees. ► Ms. Heather Sansoucy, 1 Dartmouth Road, stated that she is interested in hearing about the joint budget meeting. She questioned why the approximate \$736,000 was not discussed sooner as it would have alleviated much time. She stated that you hear it all the time that it is an us versus them. She stated that she understands that the Town Council does not state where the money can be allocated, but they do have the authority to allocate money all over town. She stated concern that the \$736,000 was found and said that it makes you scratch your head that did you not know about it three weeks ago. She stated that she had the opportunity to speak to a parent who has not attended any meetings but was concerned about the cuts. She stated that she spent about 25 minutes with that person and summarized the exact position they are in right now. She asked what is the plan to get the marketing out to the community that there is a budget crisis. She asked if a mailer could be done for this. She stated that we do not read newspapers anymore. No one has the information unless they are looking for it. ► Mr. Hellen stated that he thanked her for showing up for several other meetings. He stated that he did present the information about the approximate \$750,000 at a Finance Committee meeting in early May and he gave a slideshow. He thinks the reason parents came into the room is when there were talks about layoffs/cuts. He stated that this is like Groundhog Day; the pot is not big enough. He explained that when you have a limited pot, you have a high competition for those dollars. He noted that not everyone in the public is engaged in this. He stated that he has presented this Plan B previously. He suggested that it was the music cuts that got people's attention to tune it. He discussed that there are people starting to getting tuned in. He stated that the Town staff and School staff are prohibited from doing a mailer on that; it takes citizens to go out and do this. He discussed the numerous ways people can get information about the meetings. He confirmed that he understands that nothing is done in newspapers; there are numerous ways via social media and electronically to get information. ► Chair Mercer outlined some of the steps of the process moving forward. He explained this is about educating the parents; they need to get engaged. ► Mr. Sherlock stated that the recording of the school budget subcommittee is available. He stated that of the 22 teachers cut, some number of those, possibly 16, were going to be cut anyway because of the declining enrollment. Also, to get informed, follow Franklin Matters; that is where all the recordings are. He stated that there are notes and archives. ► **VOTE: Yes-9, No-0, Absent-0.**

- e. **Resolution 23-40: MECC Stabilization Account Transfer to MECC Appropriation FY24 (Motion to Approve Resolution 23-40 - $\frac{2}{3}$ Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 23-40: MECC Stabilization Account Transfer to MECC Appropriation FY24 by Dellorco. SECOND by Hamblen. No discussion. ► VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Hellen noted the event at the Sculpture Park; he stated that the Sculpture Park is revamped and publicly available for people to apply to put sculptures there. He noted the Nason Street Tot Lot opening. He thanked the 4H Alarm Robotics group who rent the Red Brick Schoolhouse for thanking everyone and noting how grateful they are for the Red Brick Schoolhouse.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** None.
- b. **Economic Development Subcommittee.** ► Councilor Hamblen stated they met before the full Town Council meeting. She stated a \$0.5M grant was received by Mr. Taberner to clean up the Nu-Style building. It will take about three to four years to clean it up. She stated they also talked about zoning and an impervious coverage amendment. She stated that their next meeting is on June 21, 2023.
- c. **Budget Subcommittee.** None.
- d. **GATRA Advisory Board.** None.

FUTURE AGENDA ITEMS: ► Councilor Sheridan asked if they could look into the missing generator. ► Chair Mercer stated that they did address that. He stated that six months ago this was addressed at a Town Council meeting by the Facilities Director. We were not able to use it in any of our facilities, so it was sold and money was received by the Town. ► Councilor Cormier-Leger asked to put the ad hoc flag subcommittee on the radar.

COUNCIL COMMENTS: ► Councilor Cormier-Leger thanked everyone who engaged in the meeting. He thanked and said good luck to Electric Youth. He stated it is June and it is Pride month. He stated that they had a celebration on the Common last week. He stated that some items were vandalized and stolen. It was disheartening. He stated that we need to continue to be a welcoming and affirming community. It is no place for hate. He discussed a personal situation that was disheartening and stated that we still have some work to do. He stated that the human rights campaign for the first time in their 40-year history had to issue a state of emergency for the United States because they are so concerned about the anti-LGBT legislation happening throughout the country that they are warning people about which states they can and should visit and which they should take caution and visit. He stated that is incredibly disturbing. ► Councilor Chandler stated that he was thankful for Mr. Hellen's plan B. ► Councilor Pellegrini reviewed the Joint Budget Subcommittee dates. She gave condolences to the Cusson family. She thanked the department heads for getting together the \$750,000 for the schools. ► Councilor Sheridan stated that the Nason playground looks great. ► Councilor Frongillo stated that the Sculpture Park looks great. He noted the Strawberry Stroll on Friday. He stated that the Franklin Food Pantry is opening. He noted office hours are next Thursday at the Senior Center. He stated that he heard some Franklin residents checked out many LGBT books so that others could not check them out during the month of June. He discussed the frustrations with people not being engaged enough in their community, and he wants to give people an invitation to get engaged. He stated that your voice does matter. ► Councilor Hamblen thanked everyone for everything they already said. She stated that she is sorry there was vandalism, and we have to spread love and be kind. She stated the Nason Street Tot Lot and Sculpture Park were fantastic. ► Councilor Jones discussed that Town councilors have sacrificed and have done hard work to make the community the best place. He noted the first Master Plan Committee meeting is next Wednesday. He noted the Food Pantry's grand opening. ► Councilor Dellorco discussed that no one is born with hate, they are taught. He noted that the art on the electrical boxes is amazing. ► Chair Mercer told Councilor Cormier-Leger that he was sorry he had to deal with that situation. He offered his condolences to the Cusson family for their loss. He thanked the police chief, fire chief, and DPW director who came here in support of what we were

doing this evening, and they sat here all night long. He noted Mr. Brown stayed here all night in support of the things the Town Council was doing tonight. He thanked Mr. Sherlock for all he does. He reminded everyone of the Strawberry Stroll on Friday with a rain date of Saturday. He noted the Food Pantry ribbon cutting on Monday morning. He wished his mother Happy Birthday. He encouraged everyone to get engaged; he stated that we are One Franklin.

EXECUTIVE SESSION: None.

ADJOURN: ► MOTION to Adjourn by Dellorco. SECOND by Jones. No Discussion. ► VOTE: Yes-9, No-0, Absent-0.

Meeting adjourned at 10:13 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
June 21, 2023**

A meeting of the Town Council was held on Wednesday, June 21, 2023, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA. Councilors present: Brian Chandler, Theodore Cormier-Leger, Robert Dellorco, Cobi Frongillo, Melanie Hamblen, Glenn Jones, Thomas Mercer, Deborah Pellegri, Patrick Sheridan. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney.

CALL TO ORDER: ► Chair Mercer called the meeting to order at 7:00 PM. Chair Mercer called for a moment of silence. All recited the Pledge of Allegiance.

ANNOUNCEMENTS: ► Chair Mercer reviewed the following as posted on the agenda. A Note to Residents: All citizens are welcome to attend public board and committee meetings in person. Meetings are live-streamed by Franklin TV and shown on Comcast Channel 11 and Verizon Channel 29. In an effort to maximize citizen engagement opportunities, citizens will be able to continue to participate remotely via phone or Zoom. He announced that this meeting is being recorded by Franklin TV; this meeting may be recorded by others.

CITIZEN COMMENTS: None.

APPROVAL OF MINUTES: ► *May 24, 2023.* ► **MOTION** to Approve the May 24, 2023 meeting minutes by Dellorco. **SECOND** by Jones. No discussion. ► **VOTE: Yes-9, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: None.

APPOINTMENTS: ► *Community Preservation Committee:*

- *Citizen At Large: Michael Giardino - June 30, 2025*
- *Citizen At Large: Lisa Oxford - June 30, 2025*
- *Conservation Commission: Jeffrey Livingstone - June 30, 2024*
- *Historical Commission: Phyllis Malcolm - June 30, 2024*
- *Housing Authority: Christopher Feeley - June 30, 2024*
- *Planning Board: Jay Mello - June 30, 2024*
- *Recreation Advisory Board: Wayne Simarrian - June 30, 2024.*

► **MOTION** to Ratify the appointments of the names listed above by the Town Administrator to serve as members of the Community Preservation Committee with terms to expire as listed above by Jones.

SECOND by Dellorco. **Discussion:** ► Mr. Hellen discussed that these were all reappointments with the exception of the Planning Board recommendation which is now Jay Mello as it previously was Rick Power. He reminded the public that the recommendations are coming from the boards as indicated. ► Councilor Frongillo noted a newspaper article that towns across the state are underspending CPA funds on housing, and he noted that this town is guilty as well. ► **VOTE: Yes-9, No-0, Absent-0.**

HEARINGS: 7:00 PM. None.

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: None.

LEGISLATION FOR ACTION:

Note: Two-Thirds Vote requires six votes; Majority Vote requires majority of members present and voting.

- a. Bylaw Amendment 23-900: Chapter 170, Vehicles and Traffic, Article IV, Stopping, Standing and Parking, §170-15 Parking Prohibitions and Limitations, D. Parking Prohibited, Downtown Parking Map Amendment - First Reading (Motion to Move Bylaw Amendment 23-900 to a Second Reading - Majority Vote).* ► Councilor Jones read the bylaw amendment. ► **MOTION to Move** Bylaw Amendment 23-900: Chapter 170, Vehicles and Traffic, Article IV, Stopping, Standing and Parking, §170-15 Parking Prohibitions and Limitations, D. Parking Prohibited, Downtown Parking Map Amendment to a Second Reading by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen referenced his memo to the Town Council dated June 16, 2023, which was provided in the meeting packet. He reviewed that this is a first reading of Bylaw Amendment 23-900 which will amend the Downtown Parking District Map by changing the hours of no overnight parking at the Depot Street parking lot and the Ferrara lot from 2 AM to 6 AM to 12 AM to 5 AM. The purpose of this bylaw is to accommodate altering train schedules by the MBTA. He noted that 5 AM will be the earliest a train will run because of standard overnight track maintenance. The change from 6 AM to 5 AM is being proposed to accommodate MBTA commuters, as the earliest train departs at 5:09 AM. He noted that the Police Chief has assured him that tickets will not be issued during the hours of 5 AM to 6 AM at these locations until these changes are officially implemented and sufficient signage is posted. As the bylaw is being amended anyway and the overnight ban hours are being further restricted, the staff are requesting to reconsider the overnight parking ban hours and moving the curfew from 2 AM to midnight to assist the Police Department in enforcement. He reviewed that as the Police Chief explained at earlier hearings, midnight allows the patrol to do a compliance sweep between midnight and 1 AM, which is at the end of the shift. This is smoother for police operations as we have fewer officers on the overnight. If there is a call for service and officers are not available, then enforcement on the overnight parking bans, in the lots and on the streets, will not be able to be properly enforced. Additionally, the window of enforcement shrinks to only three hours with the adjustment for the commuter rail. He also discussed Davis-Thayer lot hours. As written in his memo, he stated that one issue neglected in more detail from the earlier map was parking in the Davis-Thayer lot. The hours proposed here are for the following reasons: 1. To prevent all-day parking at Davis-Thayer lot. 2. Recognizes that many library patrons still need more parking during the day and afternoons. Two hours is plenty of time. Again, this is used as overflow parking for major events, and we do not see an issue here. 3. Recognizes that the ballfields are used by sports leagues most afternoons and certainly weekends, thus parking is free and available for the little league teams. 4. Adds the same overnight parking provisions for the police to do a sweep seven days a week to ensure those cannot park for long periods in that lot. ► Town Council members asked questions and made comments. ► In response, Mr. Hellen reviewed that most places downtown are closed by 10 PM. He stated that if we want to enforce the three-hour window, it is pretty tough. He stated this helps the police to do the patrol. He stated that he is struggling to understand where the business market is at 1 AM in downtown Franklin. He does not think there is a business argument to be made. ► Chair Mercer noted that food must be served with the alcohol and the kitchens are shut down at that time. ► Mr. Hellen stated that maybe there should be a conversation about how to revitalize the Town's night time. He discussed the question of changing it from 12 AM to 1 AM. He discussed the enforcement element by the police at 12 AM to 1 AM which is the end of the police shift. He agreed that this item could be brought back if economic conditions change in the downtown. ► Councilor Frongillo stated that he cared less about the ease of enforcement than he does about what are the goals of the rules and giving businesses the opportunity to thrive. He stated he would be in favor of staying at 2 AM. ► Mr. Hellen noted that the Town leases the Ferrara lot. He stated that they have a lot of spaces not filled, and he is not sure if it is a priority to reach out to other lot owners regarding parking. He stated that as a community, we have not created a demand for downtown. He stated that we need more people coming to downtown first. ► Councilor Hamblen reviewed what the police chief indicated regarding enforcement and stated that people will not follow it if it is not enforced. She stated that the police are the experts on this, and they should make the decision. She stated it is important what the chief thinks. ► Councilor Chandler

stated that he agrees with the police. ► Mr. Hellen, in response to questions, stated that the Depot lot and Ferrara lot could be amended regarding the suggested parking times. ► Chief of Police Thomas Lynch discussed the lots and the parking and thought it would be fine to amend the parking times. He stated that you do not want people to park overnight there. ► **MOTION to Amend Bylaw Amendment 23-900: Chapter 170, Vehicles and Traffic, Article IV, Stopping, Standing and Parking, §170-15 Parking Prohibitions and Limitations, D. Parking Prohibited, Downtown Parking Map Amendment, for the parking map to say no overnight parking Sunday through Thursday 12 AM to 5 AM, no overnight parking Friday to Saturday 2 AM to 5 AM, by Frongillo. SECOND by Hamblen. No discussion.** ► **VOTE (on the amendment): Yes-9, No-0, Absent-0.** ► **MOTION to Move as Amended Bylaw Amendment 23-900: Chapter 170, Vehicles and Traffic, Article IV, Stopping, Standing and Parking, §170-15 Parking Prohibitions and Limitations, D. Parking Prohibited, Downtown Parking Map Amendment to a Second Reading by Dellorco. SECOND by Jones. Discussion:** ► Councilor Frongillo stated that he does not know if he specified which parking lots, but he thinks it should be Depot lot and Ferrara lot. ► Chair Mercer stated that he does not think anyone is going into the library at 2 AM. ► **VOTE (on the bylaw as amended): Yes-9, No-0, Absent-0.**

- b. **Resolution 23-41: Appropriation Transfers FY23 (Motion to Approve Resolution 23-41 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 23-41: Appropriation Transfers FY23 by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen stated that the next three resolutions are what is needed to close out FY23. He stated that this has nothing to do with the new budget. He reviewed his memo to the Town Council dated June 16, 2023, regarding the requested transfers. He discussed that this item is for Facilities due to the rise in electricity rates by 4 cents/kw mid-year; \$400,000 of the \$427,925 in shortfalls is due to electricity rates and other utility increases due to inflation. He noted one minor change in the uses is that the fire salaries account is 220 not 210. He stated that the second resolution is the same for the sewer fund; the third resolution is actually leftover money that is required to be voted on to deposit into the MECC Stabilization Fund. ► **VOTE: Yes-9, No-0, Absent-0.**
- c. **Resolution 23-42: Sewer Enterprise Fund Supplemental Appropriation FY23 (Motion to Approve Resolution 23-42 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 23-42: Sewer Enterprise Fund Supplemental Appropriation FY23 by Dellorco. SECOND by Hamblen. Discussion:** ► Councilor Cormier-Leger noted that this is really a safety net appropriation and that the department may not need the money. ► **VOTE: Yes-9, No-0, Absent-0.**
- d. **Resolution 23-43: Transfer of FY23 Regional Dispatch Appropriation to the MECC/Public Safety Stabilization Fund (Motion to Approve Resolution 23-43 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 23-43: Transfer of FY23 Regional Dispatch Appropriation to the MECC/Public Safety Stabilization Fund by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen stated that this is excess money in the regional dispatch account that needs to be voted on to be deposited into the rainy-day fund. This is the savings account we have to offset some of the huge increases we will see in FY25 and FY26 in the dispatch center. ► Councilor Cormier-Leger reviewed that money was just moved from this stabilization account to help the schools at the last meeting and now we are putting back money into it. He stated that the Town has many stabilization funds. He asked why this one was the one we dipped into to send money to the schools. ► Mr. Hellen explained that a grant was obtained for the dispatch center and it cannot be guaranteed that in two to four years those savings would be seen; so, we budgeted for the full assessment. He explained that this made fiscal sense. He explained that this is two different fiscal years. The recently approved budget for FY24 started July 1, 2023. This item is closing out FY23. ► **VOTE: Yes-9, No-0, Absent-0.**
- e. **Resolution 23-44: Appropriation of Funds to Enable Town to Implement Chapter 193 of Legislative Acts of 2018, Landfill Land Swap Legislation, So-Called (Motion to Approve Resolution 23-44 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 23-44:**

Appropriation of Funds to Enable Town to Implement Chapter 193 of Legislative Acts of 2018, Landfill Land Swap Legislation, So-Called by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated that this is a housekeeping item that the Commonwealth asked them to do. He explained that this will allow us to go to the next steps of the land swap with the state for the recycling center. The money has already been appropriated, but the state is looking for a cleaner copy of the appropriation for their files. ► **VOTE: Yes-9, No-0, Absent-0.**

- f. **Zoning Bylaw Amendment 23-898: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements (Motion to Refer Bylaw Amendment 23-898 to the Planning Board - Majority Vote).** ► Councilor Jones read the zoning bylaw amendment. ► **MOTION to Refer** Zoning Bylaw Amendment 23-898: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements to the Planning Board by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen reviewed that the EDC voted unanimously to amend Zoning Bylaw Amendment 23-898 by increasing the percent of maximum impervious coverage allowed in the General Residential V (GRV) zoning district to 45% (structures) and 55% (structures plus paving) and to move Zoning Bylaw Amendment 23-898, as amended, to the full Town Council for consideration. ► Councilor Hamblen stated that this is from the Franklin for All project. She stated that it was suggested that we changed the impervious coverage for GRV because it was too restrictive to allow anything to be built there. She stated that we want this to get to the Planning Board so they can discuss it. ► **VOTE: Yes-9, No-0, Absent-0.**
- g. **Zoning Bylaw Amendment 23-899: Marijuana Use Overlay District, A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 5, Zoning Map (Motion to Refer Bylaw Amendment 23-899 to the Planning Board - Majority Vote).** ► Councilor Jones read the zoning bylaw amendment. ► **MOTION to Refer** Zoning Bylaw Amendment 23-899: Marijuana Use Overlay District, A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 5, Zoning Map to the Planning Board by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen reviewed that this is a housecleaning item of the marijuana overlay district. He stated there is no expansion. The EDC voted unanimously to move this zoning bylaw amendment to the full Town Council for consideration. ► Councilor Hamblen stated that this was on our goals for the year. She stated that the staff went through this, and it is their recommendation. She stated that she thinks it is important to get to the public hearing to hear from everyone which is why it is recommended to go to the Planning Board. ► Councilor Chandler noted that the bylaw amendment and zoning map were very clear to understand. ► **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► **Introduction of Deputy Town Administrator.** ► Mr. Hellen stated that the Fire Department was awarded a \$301,000 grant for fire fighter training. He announced the appointment of Ms. Amy Friguliette as Deputy Town Administrator. He stated that Ms. Friguliette is a career public servant who brings nearly 20 years of in-depth diverse and extensive public sector experience to the organization. He stated that he will be sending out her professional bio; she starts on July 3, 2023. He stated that the hiring process went very smoothly. He stated that 119 applications were received for this position. He discussed the interview panel and noted there were three days of interviews. He stated that he is very excited. He thanked the interview panel for their work on this and their thoughtful input. He reviewed some of the projects that Ms. Friguliette will be focusing on. ► Ms. Friguliette stated that she was thrilled to be here and cannot wait to start working with the departments and the staff. ► Town Council members made comments and welcomed Ms. Friguliette.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** None.
- b. **Economic Development Subcommittee.** ► Councilor Hamblen stated they met tonight and discussed a branding and marketing plan. She thanked the Capital Budget Subcommittee for the money to do this work. She thanked those who have worked on this branding project.

- c. **Budget Subcommittee.** None.
- d. **GATRA Advisory Board.** ► Councilor Frongillo stated that GATRA met today, and they approved their FY24 budget. He stated that if anyone has any questions, please ask him.
- e. **Master Plan Update Committee.** ► Councilor Jones stated they had their first meeting on June 14. They spent time doing introductions and met BETA Group who is the consultant. The next meeting is June 28, at 6:30 PM.
- f. **Davis-Thayer Building Reuse Committee.** ► Councilor Pellegri stated that she spoke with Mr. Hellen who told her the meetings would not be starting until August. ► Mr. Hellen stated they are trying to get in one meeting in July.

FUTURE AGENDA ITEMS: ► Councilor Frongillo asked to have the flag conversation going.
 ► Councilor Sheridan asked to discuss bike lanes.

COUNCIL COMMENTS: ► Councilor Chandler thanked Councilor Dellorco for the compromise tonight. He stated Councilor Jones did a good job at the Master Plan Update Committee. He stated that he has seen a lot of Kindness Matters signs and he thanked Mary Oneill. ► Councilor Frongillo discussed an opportunity on Palomino Drive for affordable housing. ► Mr. Hellen stated Ms. Maxine Kinhart is the contact for that. ► Councilor Frongillo noted the Pride celebration this Sunday on the Town Common. He noted the third movie night of his pilot series is on Tuesday at 7 PM. ► Councilor Pellegri thanked the Food Pantry and noted all the work they did to transform the previous Edwins' building into the Food Pantry. She gave condolences to the family of Anthony Gates and to the family of Roger Rondeau. ► Councilor Sheridan gave condolences to the Gates and Rondeau families. He thanked those who organized the Strawberry Festival and those who organized the Fourth of July celebration. ► Councilor Cormier-Leger gave condolences to the Gates family. He thanked Ms. Oneill for his Kindness Matters sign. He welcomed Ms. Friguliette. He thanked the Pride committee for the celebration. He thanked the Fourth of July committee that is gearing up. He thanked all of the volunteers for all the school year-end celebrations. ► Councilor Hamblen gave condolences to the Gates and Rondeau families. She noted the Strawberry Stroll was fun. She stated the Franklin Farmers Market is ongoing on Fridays from 2 PM to 6 PM. ► Councilor Jones gave condolences to the Gates and Rondeau families. He stated that he echoed everyone's comments regarding all the activities going on. He thanked all for making the Franklin Food Pantry come to fruition. ► Councilor Dellorco gave condolences to the Gates and Rondeau families. He welcomed Ms. Friguliette. ► Chair Mercer gave condolences to the Gates and Rondeau families. He welcomed Ms. Friguliette. He applauded the efforts of the Franklin Food Pantry. He stated all did a great job on the Strawberry Festival.

EXECUTIVE SESSION: None.

ADJOURN: ► **MOTION** to Adjourn by **Dellorco**. **SECOND** by **Jones**. **No discussion.** ► **VOTE:** Yes-9, No-0, Absent-0.

Meeting adjourned at 8:36 PM.

Respectfully submitted,

Judith Lizardi
 Recording Secretary

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

July 14, 2023

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

Re: Appointments

The Council will consider the ratification of appointments to several boards and committees as described below.

Agricultural Commission

- Nick Capoccia will transition from an Associate to a Full Member of the Commission to fill a recent vacancy, with a term to expire on 6/30/2025.

Cultural District Committee

- Sue Cass with a term to expire on 6/30/2026
- Patrick Conlan with a term to expire on 6/30/2026

Design Review Commission

- Amy Adams with a term to expire on 6/30/2025
- Jim Bartro will transition from a Full Member of the Commission to an Associate Member, with a term to expire on 6/30/2026.

Finance Committee

- Lauren Nagel with a term to expire on 6/30/2026

Franklin Cultural Council

- Carol Fletcher with a term to expire on 6/30/26
- John Ristaino with a term to expire on 6/30/25
- Jean Wolf with a term to expire on 6/30/25

Volunteer forms for each prospective appointee are included in the packet.

Please let us know if you have any questions.

APPOINTMENTS



The Town Administrator has recommended appointments as listed below with term expiration dates as listed below.

Agricultural Commission

- Nick Capoccia: 398 Prospect Street, with a term to expire on 6/30/2025

Cultural District Committee

- Sue Cass: 146 Long Hill Road, with a term to expire on 6/30/2026
- Patrick Conlan: 626 Old Farm Road, with a term to expire on 6/30/2026

Design Review Commission

- Amy Adams: 56 Jefferson Road, with a term to expire on 6/30/2025
- James Bartro: 99 Pine Street, as an Associate Member with a term to expire on 6/30/2026

Finance Committee

- Lauren Nagel: 5 Noanet Brook Lane, with a term to expire on 6/30/2026

Franklin Cultural Council

- Carol Fletcher: 67 Bayberry Common, with a term to expire on 6/30/2026
- John Ristaino: 29 Washington Street, with a term to expire on 6/30/2025
- Jean Wolf: 9 Oakridge Drive, with a term to expire on 6/30/2025

MOTION to ratify the appointments by the Town Administrator as listed above with term expiration dates as listed above.

DATED: _____, 2023

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council



Town of Franklin MA

355 East Central Street

Franklin, MA 02038

Phone: 508-520-4949

Volunteer Form

Good Government Starts with You!

Date Submitted: April 30, 2021

Name: Nick Capoccia

Home Address: 398 Prospect st
FRANKLIN, MA 02038

Mailing Address: 398 Prospect st
FRANKLIN, MA 02038

Phone Number(s): ()

Email Address:

Current Occupation/Employer: Excavation. J.hockman inc

Narrative: Free time is always scarce but I am always willing to make time for something when needed. I have brief farming knowledge and plenty of equipment and tractor knowledge. I grew up around farms and construction and its always been an interest. I recently inherited my grandparents farm and property on prospect st.

Board(s) / Committee(s): ___AGRICULTURAL COMMISSION



Town of Franklin MA

355 East Central Street

Franklin, MA 02038

Phone: 508-520-4949

Volunteer Form

Good Government Starts with You!

Date Submitted: February 18, 2023

Name: Sue G Cass

Home Address: 146 Longhill Road
Franklin Ma 02038

Mailing Address: 146 Longhill Road
Franklin Ma 02038

Phone Number(s):

Email Address:

Current Occupation/Employer: Retired registered nurse, medical/legal consultant

Narrative: I am a long-time Franklin resident with with a keen interest in the success of the Franklin community. Currently, my one fixed obligation is to the Franklin Food Pantry on Monday mornings.

Board(s) / Committee(s): ☐ CULTURAL DISTRICT COMMITTEE
☐ DAVIS-THAYER BUILDING REUSE ADVISORY COMMITTEE
☐ POLICE STATION BUILDING COMMITTEE



Town of Franklin MA

355 East Central Street

Franklin, MA 02038

Phone: 508-520-4949

Volunteer Form

Good Government Starts with You!

Date Submitted: May 17, 2023

Name: Patrick Conlan

Home Address: 626 Old Farm Road
FRANKLIN, MA 02038

Mailing Address: 626 Old Farm Road
FRANKLIN, MA 02038

Phone Number(s): ()

Email Address:

Current Occupation/Employer: John Hancock

Narrative: I have a full time job but very interested in making art more visible in Franklin. I have sent a document about a vision for HS artists to have their art displayed around town and would love the chance to continue seeing this happen. Thank you!

Board(s) / Committee(s): ___ CULTURAL DISTRICT COMMITTEE



Town of Franklin MA

355 East Central Street

Franklin, MA 02038

Phone: 508-520-4949

Volunteer Form

Good Government Starts with You!

Date Submitted: May 17, 2023

Name: Amy Adams

Home Address: 56 Jefferson Rd
02038

Mailing Address: 56 Jefferson Rd
02038

Phone Number(s):

Email Address:

Current Occupation/Employer: Resident, volunteer, artist/ business owner

Narrative: Hello I am a committee member on Franklin Cultural District for 3 years and have just renewed for another three. I am looking to expand on volunteering with another committee.

Board(s) / Committee(s): ___Design Review Commission



Town of Franklin MA

355 East Central Street

Franklin, MA 02038

Phone: 508-520-4949

Volunteer Form

Good Government Starts with You!

Date Submitted: November 2, 2016

Name: James R Bartro

Home Address: 99 Pine St
Franklin MA 02038

Mailing Address: 99 Pine St
Franklin MA 02038

Phone Number(s): [REDACTED]

Email Address: [REDACTED]

Current Occupation/Employer: DellEMC

Narrative: Hello, I have a bachelor of science in Business Management from Bentley University. I have pursued graduate studies in engineering and business disciplines. I run a large team at a public company and have experience in strategic planning, budgetary planning and project/program management. I have served 7 years on Uxbridge's Library Board of Trustees and in board roles in civic organizations.

Board(s) / Committee(s): ___ Design Review Commission



Town of Franklin MA

355 East Central Street

Franklin, MA 02038

Phone: 508-520-4949

Volunteer Form

Good Government Starts with You!

Date Submitted: March 20, 2023

Name: Lauren Nagel

Home Address: 5 Noanet Brook Lane
Franklin, MA 02038

Mailing Address: 5 Noanet Brook Lane
Franklin, MA 02038

Phone Number(s):

Email Address:

Current Occupation/Employer: COO, Solmetex

Narrative: COO and CFO at Solmetex for 23 years. Years of finance & operations experience in corporate setting.

Board(s) / Committee(s): ___Finance Committee



Town of Franklin MA

355 East Central Street

Franklin, MA 02038

Phone: 508-520-4949

Volunteer Form

Good Government Starts with You!

Date Submitted: November 2, 2022

Name: carol fletcher

Home Address: 67 Bayberry Cmn
Franklin

Mailing Address: 67 Bayberry Cmn
Franklin

Phone Number(s): [REDACTED]

Email Address: [REDACTED]

Current Occupation/Employer: retired geriatric nurse practitioner

Narrative: available time is variable. Many years experience in geriatrics-also a craftsperson with participation in local fairs.

Board(s) / Committee(s): ___Franklin Cultural Council



Town of Franklin MA

355 East Central Street

Franklin, MA 02038

Phone: 508-520-4949

Volunteer Form

Good Government Starts with You!

Date Submitted: March 1, 2023

Name: John M Ristaino

Home Address: 29 Washington Street
Franklin

Mailing Address: 29 Washington Street
Franklin

Phone Number(s):

Email Address:

Current Occupation/Employer: LPA Consultants

Narrative: Town Council 1985 - 1989

Responsible for the building of the current Police Station

Supporter of the Public Library modernization

Active in local theatre organizations including serving as president of Actors Collaborative for 9 years.

Supporter of community events, educational initiatives and town history.

I currently have a very flexible schedule and am hoping to serve my home town.

Board(s) / Committee(s): ☐ CULTURAL DISTRICT COMMITTEE

☐ DAVIS-THAYER BUILDING REUSE ADVISORY COMMITTEE

☐ Franklin Cultural Council

☐ POLICE STATION BUILDING COMMITTEE



Town of Franklin MA

355 East Central Street

Franklin, MA 02038

Phone: 508-520-4949

Volunteer Form

Good Government Starts with You!

Date Submitted: August 30, 2022

Name: Jean M Wolf

Home Address: 9 Oakridge Dr
FRANKLIN, MA 02038

Mailing Address:
Franklin

Phone Number(s): [REDACTED]

Email Address: [REDACTED]

Current Occupation/Employer: Retired Literacy Specialist working as consultant in early literacy

Narrative: I anticipate I would have up to 10 hours a week to dedicate to a volunteer position. I have 25+ years working in education often presenting to audiences both in-person and via Zoom. I have an undergraduate degree in Urban Planning and two masters related to education. My husband and I moved to Franklin in 1994 and raised our family in Franklin. I have a good sense of this beautiful town. Happy to give back!

Board(s) / Committee(s): ☐ Design Review Commission
☐ Franklin Cultural Council
☐ Franklin Disability Commission
☐ HISTORICAL COMMISSION
☐ MAPC Representative

LICENSE TRANSACTION

Change of Officers/Directors/LLC Managers

Shaw's Supermarkets, Inc.

d/b/a Shaw's

255 East Central Street

Franklin, MA 02038



Shaw's Supermarkets, Inc., d/b/a Shaw's, is seeking approval for a change of Officers/Directors/LLC Managers on their §15 Retail Package Store License. Juliette Pryor is being removed as Executive Vice President and Secretary, and Bradley Beckstrom is being added as Group Vice President and Secretary.

MOTION to approve the request by Shaw's Supermarket, Inc. d/b/a Shaw's, for a change of Officers/Directors as described above.

DATED: _____, 2023

VOTED:

UNANIMOUS: _____

A True Record Attest:

YES: _____ **NO:** _____

ABSTAIN: _____

ABSENT: _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

McDERMOTT
QUILTY &
MILLER LLP

28 STATE STREET, SUITE 802
BOSTON, MA 02109

WWW.MQMLLP.COM

June 20, 2023

Via Online Licensing Portal

Attn: Mr. Jamie Hellen, Town Administrator
355 East Central Street, Franklin, MA 02038

**Re: Application for Change of Officers/Directors to a §15 Retail Package Store License
 Shaw's Supermarkets, Inc. d/b/a Shaw's
 255 East Central Street, Franklin, MA 02038**

Dear Sir/Madam:

This office Represents Shaw's Supermarkets, Inc. in its application for Change of Officers/Directors to its §15 Retail Package Store License exercised at its long-existing grocery store located at the above-referenced address. Enclosed please find the required application materials and copies of the required supplemental documents regarding the above-referenced matter:

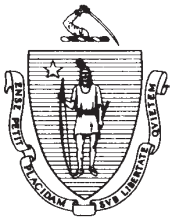
1. Monetary Transmittal Form with ABCC Payment Receipt;
2. ABCC Application for Amendment;
3. ABCC Applicant's Statement;
4. Business Entity Summary;
5. Articles of Organization;
6. Corporate Vote;
7. ABCC CORI Request Forms;
8. DOR Certificate of Good Standing; and
9. DUA Certificate of Compliance.

Please kindly Assign this matter for hearing at the next available hearing date (virtual or otherwise). Thank you for your attention to and courtesy in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Nicholas J. Zozula, Esq.

NJZ/kjb Enclosures



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM**

APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest

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

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

**PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE
PAYMENT RECEIPT**

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

00033-PK-0430

ENTITY/ LICENSEE NAME Shaw's Supermarkets, Inc.

ADDRESS 255 E Central Street

CITY/TOWN Franklin

STATE MA

ZIP CODE 02038

For the following transactions (Check all that apply):

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input checked="" type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | | <input type="checkbox"/> Other <input type="text"/> | <input type="checkbox"/> Change of DBA |

**THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS
APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL**

Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR AMENDMENT
-Change of Officers, Stock or Ownership Interest

☒ **Change of Officers/ Directors/LLC Managers** ☐ **Change of Stock Interest**

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Officer/Directors Application
- Vote of the Entity
- CORI Authorization
- Business Structure Documents
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

(e.g. New Stockholders or Transfer or Issuance of Stock)

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Stock Application
- Financial Statement
- Vote of the Entity
- CORI Authorization
- Purchase & Sale Agreement
- Supporting Financial Records
- Advertisement
- Business Structure Documents
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

☐ **Change of Ownership Interest**

(e.g. LLC Members, LLP Partners, Trustees etc.)

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Stock Application
- Financial Statement
- Vote of the Entity
- CORI Authorization
- Business Structure Documents
- Purchase & Sale Agreement
- Supporting Financial Records
- Advertisement
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

☐ **Non-Profit Club Change of Officers/ Directors**

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Officer/Directors Application
- Vote of the club signed by an approved officer
- Business Structure Documents - **Articles of Organization** from the Secretary of the Commonwealth

☐ **Management Agreement**

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Vote of Entity
- Management Agreement

**If abutter notification and advertisement are required for transaction, please see the local licensing authority.*

1. BUSINESS ENTITY INFORMATION

Entity Name

Shaw's Supermarkets, Inc.

Municipality

Franklin

ABCC License Number

00033-PK-0430

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

The Licensee has changed their officers/directors removing Juliette Pryor as Executive VP & Secretary, and in her place, adding Bradley Beckstrom as Group VP and Secretary.

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name

Nicholas Zozula

Title

Attorney

Email

[REDACTED]

Phone

[REDACTED]

APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest

2. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises(Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
Robert Backus			

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
President, Director	0%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
Eric Myers			

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Director	0%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
Cody Perdue			

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Group VP, Treasurer, Director	0%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
Bradley Beckstrom			

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Group VP, Secretary	0%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached? ☐ Yes ☒ No

CRIMINAL HISTORY

Has any individual listed in question 2, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement? Please provide a copy of the management agreement.

☐ Yes ☒ No

APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest

3. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
Robert Backus	President, Director	0%
Name of Principal	Title/Position	Percentage of Ownership
Juliette Pryor	Executive VP, Secretary	0%
Name of Principal	Title/Position	Percentage of Ownership
Eric Myers	Director	0%
Name of Principal	Title/Position	Percentage of Ownership
Cody Perdue	Group Vp, Treasurer, Director	0%
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership

4. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 2, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
See Exhibit A			

5. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified identified in question 2, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☐ No ☒

If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 4 or 5 ever been suspended, revoked or cancelled?

Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation
10/27/2006	01708-PK-0116	Boston	Sale to a Minor - 1 Day Suspension

Exhibit A
Interest in Other Alcoholic Beverages Licenses

Star Market	§15 Off Premises	00235-PK-0166	699 Mount Auburn St. Cambridge, MA
Star Market	§15 Off Premises	00880-PK-0022	535 Trapelo Road, Belmont, Ma 02478
Shaw's Supermarket	§15 off Premises	01708-PK-0116	53 Huntington Ave, Boston, MA
Shaw's Supermarket	§15 Off Premises	00033-PK-0430	255 East Central St Franklin, MA
Shaw's Supermarket	§15 Off Premises	09086-PK-0266	15 State Road Dartmouth, MA
Shaw's Supermarket	§15 Off Premises	89081-PK-1012	300 New State Hwy Raynham, MA
Star Market	§15 Off Premises	02043-PK-0116	90 Causeway Street Boston, MA 02114
Star Market	§15 Off Premises	89794-PK-0800	1 Boylston Street, Newton, MA

APPLICANT'S STATEMENT

I, **Robert Backus** the: ☐ sole proprietor; ☐ partner; ☒ corporate principal; ☐ LLC/LLP manager
Authorized Signatory
of **Shaw's Supermarkets, Inc.**
Name of the Entity/Corporation

hereby submit this application (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 statements 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 are in compliance with state and local laws and regulations;
- (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 ownership 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.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

DocuSigned by:
Signature: **Robert Backus**
ACF92CF278C642B...

Date: **05-24-2023 | 05:42:41 PDT**

Title: **President and Director**

ENTITY VOTE

The Board of Directors or LLC Managers of

Shaw's Supermarkets, Inc.

Entity Name

duly voted to apply to the Licensing Authority of

Franklin

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

5/24/2023

Date of Meeting

For the following transactions (Check all that apply):

- ☒ Change of Officers/Directors/LLC Manager
- ☐ Change of Ownership Interest (LLC Members, LLP Partners, Trustees)
- ☐ Issuance/Transfer of Stock/New Stockholder
- ☐ Management/Operating Agreement
- ☐ Other

"VOTED: To authorize

Robert Backus

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

A true copy attest,

For Corporations ONLY

A true copy attest,

DocuSigned by:

Robert Backus

ACF92CF278C642B...

Corporate Officer /LLC Manager Signature

Robert Backus

(Print Name)

Corporation Clerk's Signature

(Print Name)



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street, First Floor
Boston, MA 02114

DEBORAH B. GOLDBERG
TREASURER AND RECEIVER GENERAL

CORI REQUEST FORM

JEAN M. LORIZIO, ESQ.
CHAIRMAN

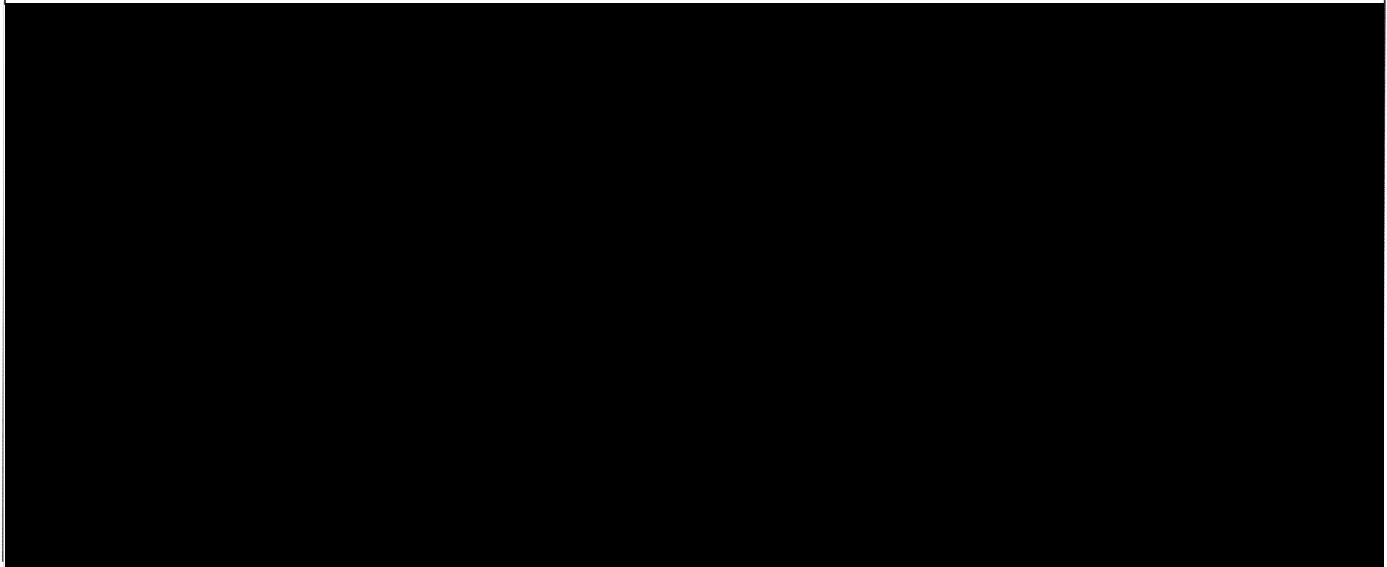
The Alcoholic Beverages Control Commission ("ABCC") has been certified by the Criminal History Systems Board to access conviction and pending Criminal Offender Record Information ("CORI"). For the purpose of approving each shareholder, owner, licensee or applicant for an alcoholic beverages license, I understand that a criminal record check will be conducted on me, pursuant to the above. The information below is correct to the best of my knowledge.

ABCC LICENSE INFORMATION

ABCC NUMBER: <small>(IF EXISTING LICENSEE)</small>	00033-PK-0430	LICENSEE NAME:	Shaw's Supermarkets, Inc.	CITY/TOWN:	Franklin
---	---------------	----------------	---------------------------	------------	----------

APPLICANT INFORMATION

LAST NAME:	Beckstrom	FIRST NAME:	Bradley	MIDDLE NAME:	Reed
------------	-----------	-------------	---------	--------------	------



PRINT AND SIGN

PRINTED NAME:	Bradley Reed Beckstrom	APPLICANT/EMPLOYEE SIGNATURE:	
---------------	------------------------	-------------------------------	--

NOTARY INFORMATION

On this	05/23/2023	before me, the undersigned notary public, personally appeared	Bradley Beckstrom
(name of document signer), proved to me through satisfactory evidence of identification, which were			
to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.			
		NOTARY	

DIVISION USE ONLY

REQUESTED BY:	
<small>SIGNATURE OF CORI-AUTHORIZED EMPLOYEE</small>	
<small>The DCJI Identify Theft Index PIN Number is to be completed by those applicants that have been issued an Identify Theft PIN Number by the DCJI. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. ALL CORI request forms that include this field are required to be submitted to the DCJI via mail or by fax to (617) 660-4614.</small>	



Commonwealth of Massachusetts
Department of Revenue
Geoffrey E. Snyder, Commissioner

mass.gov/dor

Letter ID: L1635494848
Notice Date: September 12, 2022
Case ID: 0-001-689-889



CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



SHAWS SUPERMARKET INC
390 WEST ST STE 1
MANSFIELD MA 02048-1170

Why did I receive this notice?

The Commissioner of Revenue certifies that, as of the date of this certificate, SHAWS SUPERMARKET INC is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

This certificate doesn't certify that the taxpayer is compliant in taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law.

This is not a waiver of lien issued under Chapter 62C, section 52 of the Massachusetts General Laws.

What if I have questions?

If you have questions, call us at (617) 887-6400 or toll-free in Massachusetts at (800) 392-6089, Monday through Friday, 9:00 a.m. to 4:00 p.m..

Visit us online!

Visit mass.gov/dor to learn more about Massachusetts tax laws and DOR policies and procedures, including your Taxpayer Bill of Rights, and MassTaxConnect for easy access to your account:

- Review or update your account
- Contact us using e-message
- Sign up for e-billing to save paper
- Make payments or set up autopay

Edward W. Coyle, Jr., Chief
Collections Bureau



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF UNEMPLOYMENT ASSISTANCE

Maura Healey
GOVERNOR

Kim Driscoll
LT. GOVERNOR



428196477

Lauren E. Jones
SECRETARY

Katie Dishnica
DIRECTOR

SHAW'S SUPERMARKETS, INC.
Attn: ATTN: PAYROLL
P.O. BOX 600
EAST BRIDGEWATER, MA 02333

EAN: 00097130
June 12, 2023

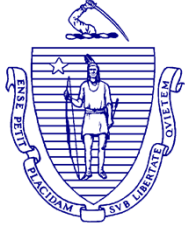
Certificate Id:71397

The Department of Unemployment Assistance certifies that as of 6/12/2023 ,SHAW'S SUPERMARKETS, INC. is current in all its obligations relating to contributions, payments in lieu of contributions, and the employer medical assistance contribution established in G.L.c.149,§189.

This certificate expires in 30 days from the date of issuance.

Katie Dishnica, Director

Department of Unemployment Assistance



The Commonwealth of Massachusetts
Department of Industrial Accidents
1 Congress Street, Suite 100
Boston, MA 02114-2017
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses.
TO BE FILED WITH THE PERMITTING AUTHORITY.

Applicant Information

Please Print Legibly

Business/Organization Name: Shaw's Supermarkets, Inc.

Address: 255 E Central Street

City/State/Zip: Franklin, MA 02038

Phone #: (508) 520-6880

Are you an employer? Check the appropriate box:

1. ☒ I am a employer with 188 employees (full and/ or part-time).*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

5. ☒ Retail
6. ☐ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☐ Other _____

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: Aon Risk Services Northeast, Inc.

Insurer's Address: 950 Main Ave, Suite 1600


City/State/Zip: Cleveland, OH 44113

Policy # or Self-ins. Lic. # [REDACTED] Expiration Date: 08/01/2023

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: 

Date: 06-20-2023 | 09:14:28 PDT

Phone #: 208-395-4757

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
6. Other _____

Contact Person: _____ Phone #: _____



CERTIFICATE OF COMPLIANCE WITH STATE LAWS

Pursuant to M.G.L Chapter 62C, Sec 49A, and M.G.L. Ch. 151A, Section 19A, the undersigned acting on behalf on the License Holder, certifies under the penalty of perjury that, to the best of the undersign's knowledge and belief, the License Holder is in compliance with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support*.

DocuSigned by:

*** Signature of Individual or Corporate License Holder (Mandatory)

*** License Holder's Social Security Number/or Federal Identification Number

By: Cody Perdue
Corporate Officer
(Mandatory, if applicable)

Date: 06/20/2023

*The provision in the Attestation of relating to child support applies only when the License Holder is an individual.

**Approval of or a renewal of a license will not be granted unless this certification clause is signed by the applicant. For all corporations, a certified copy of the vote of the Board of Directors must be provided.

*** Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a license or other agreement issued, renewed or extended. This request is made under the authority of Massachusetts General Laws, Chapter 62C, section 49A.



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

Date Issued: March 9, 2023
Record #: 36987
Certificate #: 23-50

BUSINESS VERIFICATION CERTIFICATE

In conformity with the provisions of Chapter 110, Section 5 of the General Laws, as amended, the undersigned hereby declare(s) that a business under the title of:

Shaw's # 3581

is conducted at:

255 EAST CENTRAL ST

by the following person:

FULL NAME

RESIDENCE

Albertson's Companies/NASC. tax@ safeway.com P.O Box 29096- Mailstop 6531, Pheonix, AZ 85027

A certificate issued in accordance with this section shall be in force and effect for four years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewed.

Expiration Date: March 9, 2027

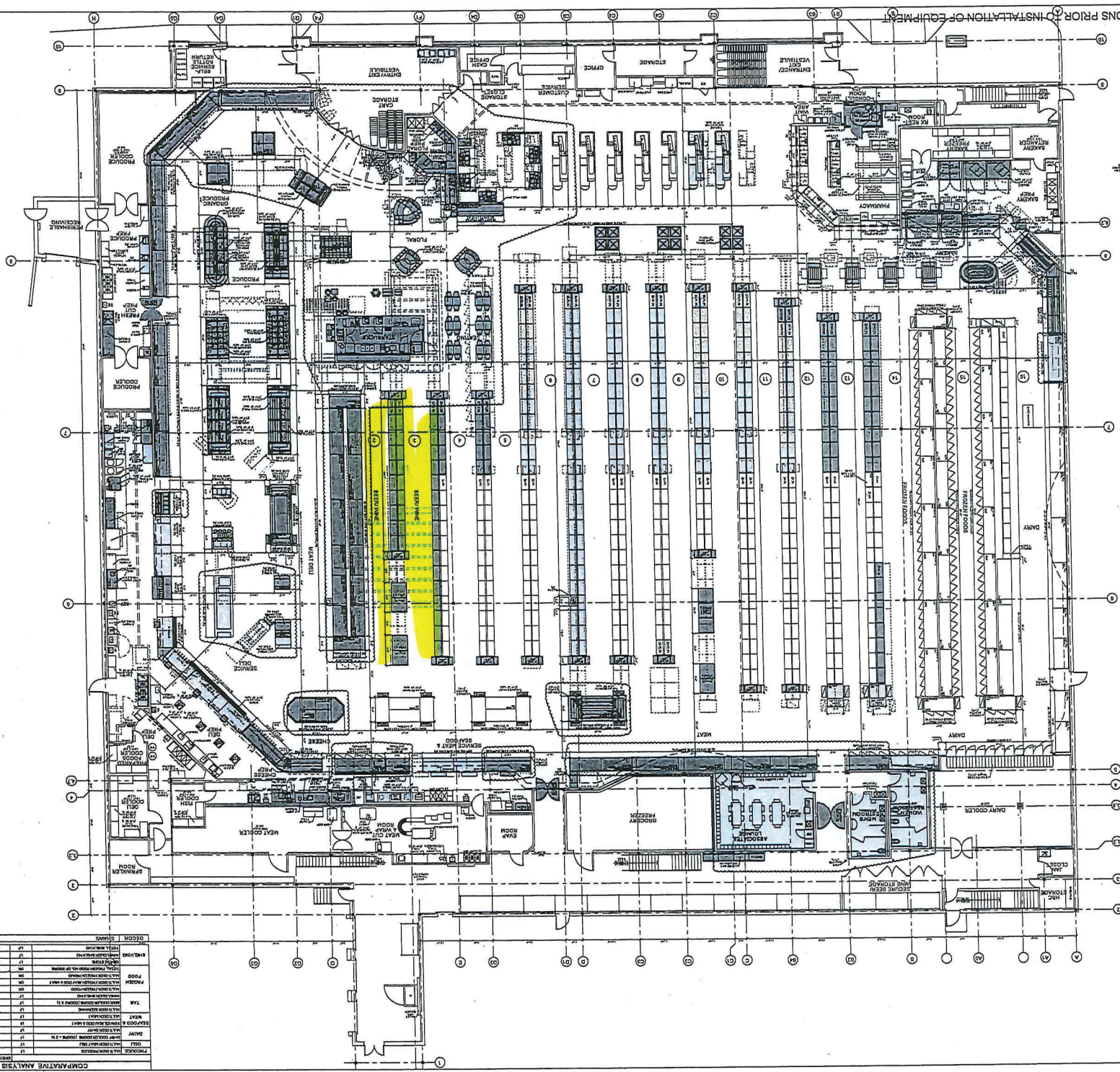
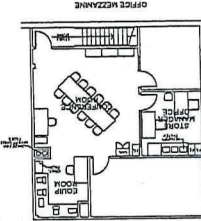
Business Owner Signature #1

Business Owner Signature #2

A True Attest Copy

Nancy Danello, CMC

Town Clerk



COMPARATIVE ANALYSIS

DEPT.	ITEM	QTY	UNIT	PRICE	TOTAL
PRODUCE	PRODUCE	100	LB	1.50	150.00
	PRODUCE	200	LB	1.50	300.00
	PRODUCE	300	LB	1.50	450.00
	PRODUCE	400	LB	1.50	600.00
MEAT	MEAT	100	LB	2.00	200.00
	MEAT	200	LB	2.00	400.00
	MEAT	300	LB	2.00	600.00
	MEAT	400	LB	2.00	800.00
SEAFOOD	SEAFOOD	100	LB	3.00	300.00
	SEAFOOD	200	LB	3.00	600.00
	SEAFOOD	300	LB	3.00	900.00
	SEAFOOD	400	LB	3.00	1200.00
GROCERY	GROCERY	100	EA	1.00	100.00
	GROCERY	200	EA	1.00	200.00
	GROCERY	300	EA	1.00	300.00
	GROCERY	400	EA	1.00	400.00

SHAW'S
FRANKLIN
 03561 (7581)
 255 EAST CENTRAL STREET
 FRANKLIN, MA

LEGEND

EXISTING
 REMOVED
 NEW
 RELOCATED
 SUPPLIES

FIXTURE PLAN
 F1.1

FIELD VERIFY ALL CONDITIONS PRIOR TO INSTALLATION OF EQUIPMENT

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

July 14, 2023

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

Re: Bylaw Amendment 23-900R: Parking Map Amendment

This is a second reading and final vote of Bylaw Amendment 23-900R, which will amend the Downtown Parking District Map by changing the hours of no overnight parking at the Depot St. parking lot and the Ferrara lot to 12am-5am Sunday - Thursday, and to 2am-5am Friday & Saturday.

At the June 7th first reading, the Town Council voted to amend the Friday & Saturday hours, which originally were the same as the Sunday-Thursday hours of 12am-5am. The Council voted unanimously (9-0) both on the amendment, and on moving the bylaw, as amended, to a second reading.

For more information please see my June 16th dated memo and the proposed map in the packet. The Legal Ad for the July 19th second reading is also included.

Please let me know if you have any questions.

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

June 16, 2023

To: Town Council
From: Jamie Hellen, Town Administrator

Re: Bylaw Amendment 23-900: Parking Map Amendment

This is a first reading of Bylaw Amendment 23-900, which will amend the Downtown Parking District Map by changing the hours of no overnight parking at the Depot St. parking lot and the Ferrara lot from 2am-6am to 12am-5am. The purpose of this bylaw is to accommodate altering train schedules by the MBTA. 5:00 AM will be the earliest a train will run because of standard overnight track maintenance.

The change from 6am to 5am is being proposed to accommodate MBTA commuters, as the earliest train departs at 5:09am. The Chief has assured me that tickets will not be issued during the hours of 5am-6am at these locations until these changes are officially implemented and sufficient signage is posted.

As the bylaw is being amended anyway and the overnight ban hours are being further restricted, the staff are requesting to reconsider the overnight parking ban hours and moving the curfew from 2:00 AM to Midnight to assist the Police Department in enforcement. As the Police Chief explained at earlier hearings, midnight allows the patrol to do a compliance sweep between Midnight and 1:00 AM, which is at the end of the shift. This is smoother for Police operations as we have fewer officers on the overnight. If there is a call for service and officers are not available, then enforcement on the overnight parking bans (in the lots and on the streets) will not be able to be properly enforced. Additionally, the window of enforcement shrinks to only 3 hours with the adjustment for the commuter rail.

The good news is that on July 1st an entirely new era is about to blossom for parking downtown. We know there will be bumps in the road. The pay kiosks are installed and early tests have gone well. The DPW has been replacing signs throughout downtown. Once final approval of this bylaw goes into effect in August, the Town will do public outreach. The staff are developing a one stop shop website right now.

This has been a lot of work and I hope everyone in the community has some patience as this change evolves. I hope everyone also celebrates that for the first time ever, the downtown parking is now available to *everyone* on a first come first serve basis and we have removed the fact those spaces were only for commuters and businesses. No more quarterly permits!

The fee will be \$3 a day for a commuter. This is half of what the MBTA charges. From Noon to 6:00 PM each day will be \$2.00. And free after 6:00 PM through (hopefully) midnight for nighttime commerce.

Davis-Thayer Hours

One issue neglected in more detail from the earlier map was parking in the D-T lot. The hours proposed here are for the following reasons:

1. To prevent all-day parking at D-T.
2. Recognizes that many library patrons still need more parking during the day and afternoons. 2 hours is plenty of time. Again, this is used as overflow parking for major events and we do not see an issue here.
3. Recognizes that the ballfields are used by sports leagues most afternoons and certainly weekends, thus parking is free and available for the little league teams.
4. Adds the same overnight parking provisions for the police to do a sweep seven days a week to ensure those cannot park for long periods in that lot.

If you have any questions please feel free to let us know.

**LEGAL NOTICE
FRANKLIN, MA**

The Franklin Town Council will hold a second reading and take a final vote on the adoption of Bylaw Amendment 23-900: Chapter 170, Vehicles and Traffic, Article IV, Stopping, Standing and Parking §170-15 Parking Prohibitions and Limitations, D. Parking Prohibited, 1. Downtown Parking District, which will change the hours of no overnight parking at the Depot. St. parking lot and the Ferrara parking lot from 2am-6am to 12am-5am from Sunday through Thursday, and from 2am-6am to 2am-5am on Friday and Saturday.

This action will take place during the Town Council's public meeting on July 19, 2023, beginning at 7:00 PM and will provide an opportunity for public input. Location: Municipal Building, 2nd floor Council Chambers, 355 E. Central Street, Franklin, and also via the "ZOOM" platform. Residents can visit the Town website (Franklinma.gov) town calendar to review full text of proposed bylaw amendment, including the proposed map, and for up to date meeting information, on and after July 14, 2023. Please call the Town Administrator's Office at (508) 520-4949 if you require further information or to make arrangements for translation services.

Submitted by,

Julie McCann



**TOWN OF FRANKLIN
BYLAW AMENDMENT 23-900R
CHAPTER 170, VEHICLES AND TRAFFIC**

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 170, VEHICLES AND TRAFFIC AT ARTICLE IV, STOPPING, STANDING AND PARKING, §170-15 PARKING PROHIBITIONS AND LIMITATIONS D. PARKING PROHIBITED.

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL that Chapter 170 of the Code of the Town of Franklin Vehicles and Traffic, Article IV, Stopping, Standing and Parking, §170-15 Parking Prohibitions and Limitations D. Parking Prohibited is hereby amended as follows:

§170-15 Parking prohibitions and limitations.

No person shall stand or park any vehicle at any time:

- A. Upon streets or parts thereof where such a prohibition is posted.
- B. At bus stops, except buses, and no person shall park a bus within a business district at any place other than a bus stop when a nearby bus stop is available.
- C. At taxicab stands, except taxicabs, and no person shall park a taxicab upon any street within a business district at any place other than the taxicab stand or stands designated for the use of this taxicab or taxicabs, except while engaged or while waiting for an opportunity to use a taxicab stand designated for his use.
- D. Parking prohibited.
 - 1. Downtown Parking District: Boundaries are those contained on map captioned "Downtown Parking District" prepared by Town of Franklin Engineering Department, dated July 13, 2016, **and revised through the effective date of this legislation**, the original of which is on file with the Town Clerk, and a copy of which is appended hereto as "Attachment 1"; prohibitions and limitations on streets contained within the district are shown on said map.

This bylaw amendment shall become effective on and after August 2, 2023; the map currently on file with the Town Clerk, as most recently revised, shall remain in effect until August 2, 2023.

DATED: _____, 2023

VOTED:

A True Record Attest:

UNANIMOUS _____
YES: _____ NO: _____
ABSTAIN: _____
ABSENT: _____

Nancy Danello, CMC
Town Clerk

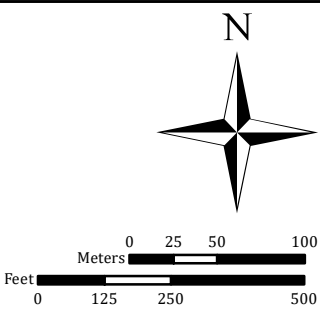
Glenn Jones, Clerk
Franklin Town Council

DOWNTOWN PARKING DISTRICT

- 2 HR 8am-2pm, M-F
- 2 HR Parking 6am-6pm, M-Sat, No Overnight
- No Parking

- Downtown Parking District
- Building
- Parcel

Proposed Amendment



**All parking zones are subject to local bylaw \$170-14, including, but not limited to, no parking within 20 feet of any intersecting way or 10 feet of a fire hydrant.*

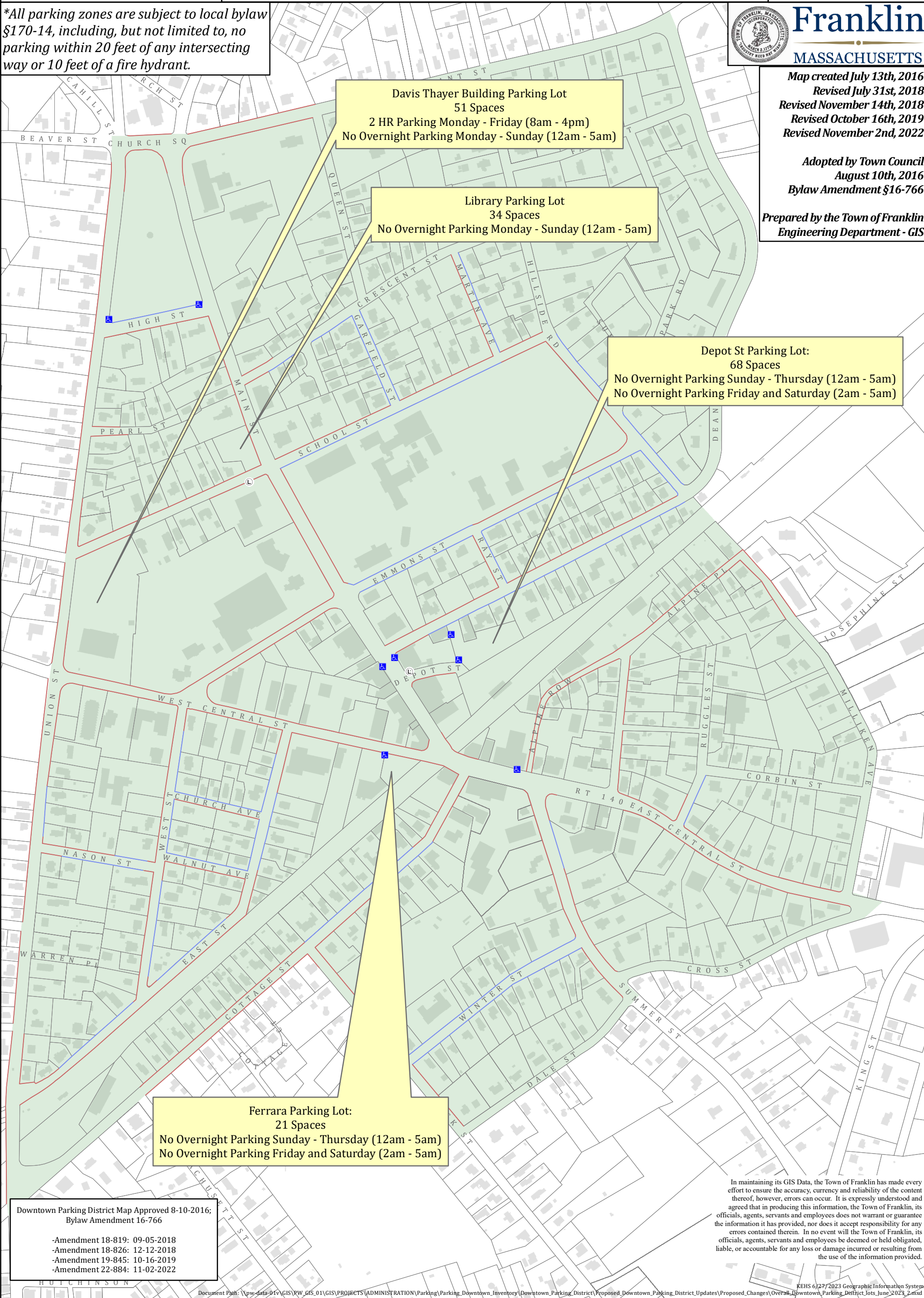


Franklin
MASSACHUSETTS

*Map created July 13th, 2016
Revised July 31st, 2018
Revised November 14th, 2018
Revised October 16th, 2019
Revised November 2nd, 2022*

*Adopted by Town Council
August 10th, 2016
Bylaw Amendment §16-766*

*Prepared by the Town of Franklin
Engineering Department - GIS*



Downtown Parking District Map Approved 8-10-2016;
Bylaw Amendment 16-766

- Amendment 18-819: 09-05-2018
- Amendment 18-826: 12-12-2018
- Amendment 19-845: 10-16-2019
- Amendment 22-884: 11-02-2022

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.

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

July 14, 2023

To: Town Council
From: Jamie Hellen, Town Administrator

Re: Zoning Bylaw Amendments 23-894, 23-895R (As Further Revised) & 23-896

This is a second reading and final vote on three (3) bylaw amendments relative to accessory dwelling units:

- 23-894: To Amend Chapter 185, Section 3 of the Code of the Town of Franklin to add Accessory Dwelling Unit (ADU) Definition
- 23-895R (As Further Revised): To Amend Chapter 185, Attachment 8, Use Regulations Schedule Part VII: Accessory Uses of the Franklin Town Code to Add Accessory Dwelling Residential Units
- 23-896: To Amend Chapter 185, Section 19 of the Code of the Town of Franklin to Add on Accessory Dwelling Unit Setbacks

At the April 12th meeting, the Town Council voted to refer these three bylaws to the Planning Board. 23-894 and 23-896 were referred to the Planning Board unanimously (8-0); 23-895R was referred to the Planning Board *as amended* with a vote of 6-2. As the Council may recall, the Council altered the EDC's recommendation to allow ADU's by right in the rural zoning districts.

The Planning Board voted unanimously (5-0) at their May 8th meeting to recommend adoption of all three, as originally presented by the EDC + Steering Committee, to the Town Council. In other words, the Planning Board recommended to reject the amended version of 23-895.

Finally on June 7th the Town Council held a public hearing and first reading of these bylaws. The Council voted unanimously (9-0) to move 23-894 & 23-896 to a second reading. 23-895R was moved to a second reading with a vote of 7-2, as it was originally presented to the Town Council and recommended by the Planning Board.

For more information please see the 2 memos from Bryan Taberner, Director of Planning & Community Development, and the Certificates of Vote from the Planning Board which are included in the packet.

Please let me know if you have any questions.

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

355 EAST CENTRAL STREET, ROOM 120
FRANKLIN, MA 02038-1352
TELEPHONE: 508-520-4907
FAX: 508-520-4906

MEMORANDUM

TO: JAMIE HELLEN, TOWN ADMINISTRATOR
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: ZONING BYLAW AMENDMENTS 23-894, 23-895R (AS FURTHER REVIZED), AND 23-896, ACCESSORY DWELLING UNITS
CC: FRANKLIN PLANNING BOARD; MARK G. CEREL, TOWN ATTORNEY; AMY LOVE, TOWN PLANNER; GUS BROWN, ZONING ENFORCEMENT OFFICER
DATE: JULY 7, 2023

Attached are three Zoning Bylaw Amendments (23-894, 23-895 & 23-896) related to regulation of accessory dwelling units (ADU).

As you know, on April 12, 2023 Franklin Town Council voted to revise Zoning Bylaw Amendment 23-895 before sending to the Planning Board for a public hearing, and again voted to revise on June 7, 2023 back to the original wording. The amendment has been renamed Zoning Bylaw Amendments 23-895R (As Further Revised).

For reference and to refresh Councilor's memories, I've attached my April 13, 2023 memo, which summarizes ADU zoning issues. Please let me know if you have questions or need additional information.

Attachments:

DPCD Memo, Summary of ADU Zoning Issues, April 13, 2023

Zoning Bylaw Amendment 23-894 adds an Accessory Dwelling Unit definition to §185-3 Definitions.

Zoning Bylaw Amendment 23-895R (As Further Revised) adds Accessory Dwelling Units to §185, Attachment 8, Use Regulation Schedule Part VII, Accessory Uses.

Zoning Bylaw Amendment 23-896 adds a subsection related to accessory dwelling units within detached buildings to §185-19 Accessory buildings and structures.

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

355 EAST CENTRAL STREET, ROOM 120
FRANKLIN, MA 02038-1352
TELEPHONE: 508-520-4907
FAX: 508-520-4906

MEMORANDUM

TO: JAMIE HELLEN, TOWN ADMINISTRATOR
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: ZONING BYLAW AMENDMENTS 23-894, 23-895R, AND 23-896,
ACCESSORY DWELLING UNITS
CC: FRANKLIN PLANNING BOARD; MARK G. CEREL, TOWN ATTORNEY;
AMY LOVE, TOWN PLANNER; GUS BROWN, ZONING ENFORCEMENT OFFICER
DATE: APRIL 13, 2023

As you know, at their April 12, 2023 meeting Franklin Town Council voted to refer three accessory dwelling unit (ADU) related zoning bylaw amendments to the Planning Board for a public hearing. Before voting to refer to the Planning Board, the Council voted to make one revision to Zoning Bylaw Amendment 23-895, which has been renamed 23-895R. Below is a summary of ADU zoning, and the proposed zoning bylaw amendments.

What is an Accessory Dwelling Unit?

An accessory dwelling unit (ADU), also commonly referred to as an “in-law apartment”, is a secondary dwelling unit on the same lot as a larger primary dwelling unit. The ADU may be attached to the existing home, or detached in a small separate building. There are a variety of types of ADUs, including converted portions of existing homes, additions to new or existing homes, new stand-alone accessory structures, or converted portions of existing stand-alone accessory structures. The diagram below provides a summary of different type ADUs.



Source: *The ABCs of ADUs*, AARP 2019

ADUs provide a way to incrementally increase housing density in a way that is appropriate for existing neighborhoods. They are also a particularly good housing typology to meet the needs of seniors and people with disabilities who seek independence but still need support from family or other caregivers, but also for young adults without the income needed for a market rate housing unit. And ADUs can help

homeowners to stay in their homes because they are able to generate additional income by renting out an ADU.

Recent Planning Related to Housing

One of the recommendations from the Town's "Franklin For All" project is to "Create a new definition for 'accessory dwelling units' (ADUs) and allow them by-right" in certain zoning districts. In addition, the Town's 2022 Housing Production Plan contains strategies related to increasing the number of small housing units, including the following:

- Support development of smaller style rental and owner-occupied housing units to accommodate the needs of the Town's changing population.

- Encourage the development of smaller housing units to better meet the needs of a younger generation of households.

Increasing the number of ADUs would allow for subtle increases in density without impacting the character of single-family neighborhoods.

Current Permitting of ADUs in Franklin

Franklin currently allows ADUs by-right in the General Residential V (GRV) and Commercial II Zoning Districts, and by Zoning Board of Appeals (ZBA) special permit in several of the single-family residential districts, and the Downtown Commercial (DC) and Commercial I (CI) Zoning Districts. However, there is no specific definition for an ADU, and they are currently referred to as a "two-family by conversion" in the Zoning Bylaw's use regulations (185 Attachment 7, Use Regulation Schedule Part VI). Franklin's ZBA and the Zoning Enforcement Agent have managed the creation of ADUs in this manner for more than two decades.

Special Permits

Any resident seeking a ZBA special permit for an ADU will be required to meet standard special permit requirements outlined in Chapter 185, Section 45E(3). A list of the special permit requirements are listed on the next page for reference.

Proposed Zoning Changes

In addition to creating a definition, a minimum amount of related regulation should be added to the Town's Zoning Bylaw to ensure ADUs are only built on properties where they can be appropriately accommodated. The Department of Planning and Community Development has created three draft Zoning Bylaw amendments for consideration:

- Zoning Bylaw Amendment 23-894 adds an Accessory Dwelling Unit definition to §185-3 Definitions.

- Zoning Bylaw Amendment 23-895R adds Accessory Dwelling Units to §185, Attachment 8, Use Regulation Schedule Part VII, Accessory Uses.

- Zoning Bylaw Amendment 23-896 adds a subsection related to accessory dwelling units within detached buildings to §185-19 Accessory buildings and structures.

The three proposed Zoning Bylaw amendments are attached. Please let me know if you have questions or need additional information. We look forward to discussing the proposed Zoning Bylaw Amendments with the Planning Board and again with Town Council.

Criteria to Meet for a Special Permit

Uses requiring special permits must meet certain criteria, which are outlined in Chapter 185, Section 45E(3). See below.

185-45 Administration and enforcement

E. Special permits.

(3) Findings. Special permits shall be granted by the special permit granting authority only upon its written determination that the proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site. This determination shall be in addition to the following specific findings:

- (a)** Proposed project addresses or is consistent with neighborhood or Town need.
- (b)** Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
- (c)** Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.
- (d)** Neighborhood character and social structure will not be negatively impacted.
- (e)** Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication, or compensatory measures are adequate.
- (f)** Number, height, bulk, location and siting of building(s) and structure(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.
- (g)** Water consumption and sewer use, taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.

(4) Conditions. Special permits may be granted with such reasonable conditions, safeguards or limitations on time or use as the special permit granting authority may deem necessary to serve the purposes of this chapter.

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

PLANNING BOARD

TOWN OF FRANKLIN
TOWN CLERK

2023 MAY 17 P 4:42

RECEIVED

May 17, 2023

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

CERTIFICATE OF VOTE

Zoning By-law Amendment #23-894

Accessory Dwelling Unit (ADU) Definition

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

Dear Mrs. Danello:

Please be advised that at its meeting on Monday, May 8, 2023 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to *RECOMMEND, as presented*, to the Town Council for the adoption of Zoning By-law Amendment #23-894, a Zoning By-Law to add Accessory Dwelling Unit Definition to Section 185-3 of the Franklin Town Code.

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

Sincerely,

Gregory Rondeau
Chairman

cc: Town Council
Town Administrator

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

PLANNING BOARD

TOWN OF FRANKLIN
TOWN CLERK

2023 MAY 17 P 4:42

RECEIVED

May 17, 2023

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

CERTIFICATE OF VOTE

Zoning By-law Amendment #23-895R

Accessory Dwelling Unit Use Regulation Schedule

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

Dear Mrs. Danello:

Please be advised that at its meeting on Monday, May 8, 2023 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to *RECOMMEND, with changes*, to the Town Council the adoption of Zoning By-law Amendments #23-895R, a Zoning By-Law to add Accessory Dwelling Residential Unit to Section 185 Attachment 8 of the Franklin Town Code.

The Planning Board voted on May 8, 2023 to amend Zoning By-Law 23-895R to add a Special Permit requirement for RRI, RRII, RVI, & RVII and not be as of right that was recommended by the Town Council. The Planning Board is recommending this change based on the following information:

- The EDC plus Steering Committee held lengthy meetings and discussions recommending that the Special Permit be required in these zones.
- With the Special Permit criteria, it allows for the abutters to be notified.
- Recommended by the Building Commissioner, Director of Planning and Community Development and Chairman of the Zoning Board of appeals to be Special Permit

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

Sincerely,

Gregory Rondeau
Chairman

cc: Town Council
Town Administrator

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

PLANNING BOARD

TOWN OF FRANKLIN
TOWN CLERK

2023 MAY 17 P 4:42

RECEIVED

May 17, 2023

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

CERTIFICATE OF VOTE

Zoning By-law Amendment #23-896

Accessory Dwelling Unit Schedule

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

Dear Mrs. Danello:

Please be advised that at its meeting on Monday, May 8, 2023 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to *RECOMMEND, as presented*, to the Town Council for the adoption of Zoning By-law Amendment #23-896, a Zoning By-Law to amend Accessory Dwelling Unit Schedule to Section 185-19 (B) of the Franklin Town Code.

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

Sincerely,

Gregory Rondeau
Chairman

cc: Town Council
Town Administrator



SPONSOR: *Town Administration*

TOWN OF FRANKLIN

**ZONING BY-LAW AMENDMENT 23-894:
CHANGES TO §185-3. DEFINITIONS**

ACCESSORY DWELLING UNIT DEFINITION

**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 at section §185-3 Definitions by **adding** the following text:

§185-3. Definitions

Accessory Dwelling Unit (ADU): A self-contained Dwelling Unit, inclusive of sleeping, cooking, and sanitary facilities, incorporated within a lawful principal single-family or two-family dwelling or within a detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family or two-family dwelling use. The owner of record shall live on the property. The ADU shall maintain two means of egress, either directly from the outside, or through an entry hall or corridor shared with the principal dwelling, sufficient to meet the requirements of the state building code. The ADU shall be no smaller than what is allowed by State Building Code Regulations, no larger than 900 sq/ft or 50% of the principal unit, whichever is less, and shall contain no more than two (2) bedrooms. All public utilities shall be shared with the primary residence.

The foregoing Zoning By-law Amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2023

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council



SPONSOR: *Town Administration*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 23-895R (As Further Revised)**

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, ATTACHMENT 8, USE REGULATIONS SCHEDULE PART VII:
ACCESSORY USES**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by the following **additions** and **deletions** to §185, Attachment 8, Use Regulation Schedule Part VII, Accessory Uses:

185 Attachment 8
USE REGULATION SCHEDULE
PART VII

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.

Accessory Uses	District														
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O	MBI
A1 Boarding	N		Y	Y	Y	Y	N	Y	Y	N	N	N	N	N	N
A2 Contractor's yard	N		N	N	N	N	N	N	N	N	Y	Y	N	N	N
a. Landscape materials storage and distribution	N		N	N	N	Y ³	Y ³	N	N	N	Y	Y	N	N	N
A3 Home occupation (See § 185-39B.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N
A4 Manufacture, assembly, packing of goods sold on premises	N		N	N	N	Y ¹	N	Y ¹	Y ¹	Y ¹	Y	Y	N	Y ¹	Y
A5 Off-street parking (See § 185-39C.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
A6 Professional office, studio (See § 185-39A.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
A7 Restaurant, bar	N		N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y
A8 Retail sale of nonagricultural products manufactured, warehoused or manufactured, warehoused or distributed on or from premises	N		N	N	N	Y	N	Y	Y	Y	Y	Y ²	N	Y ²	Y
A9 Scientific use in compliance with § 185-37	BA		BA	BA	BA	BA	N	BA	BA	BA	Y	Y	Y	Y	Y
A10 Signs (See § 185-20.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
A11 Single-family dwelling for personnel required for safe operation	Y		Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	N
A12 Other customary accessory uses	Y		Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
A13 Other retail sales, services	N		N	N	N	Y	N ⁴	Y	Y	Y	Y	Y	Y	Y	Y
A13.1 Animal grooming	BA		BA	BA	BA	BA	N	Y	BA	Y	BA	BA	BA	BA	BA
A14 Operation of not more than 5 automatic amusement devices	N		N	N	N	N	N	N	Y	Y	Y	Y	N	N	Y
A15 Warehouse/distribution facility	N		N	N	N	N	N	N	Y	N	Y	Y	N	Y	Y
A16 Wholesale office, salesroom															
a. With storage	N		N	N	N	N	N	Y	Y	Y	Y	Y	N	Y	Y
b. Without storage	N		N	N	N	N	N	Y	Y	Y	Y	Y	Y ²	Y	Y
A17 Catering	N		N	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y	Y
A18 Function hall	N		N	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y	Y
A19 Ground-mounted Solar Energy System ⁵															
a. Small-scale	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
b. Medium-scale ⁶	PB		PB	PB	PB	N	PB	N	PB	N	PB	Y	N	PB	<u>PB</u>
A20 Agricultural with Poultry, parcel under 5 acres ⁷	<u>Y⁵</u>		<u>Y⁵</u>	<u>Y⁵</u>	<u>Y⁵</u>	<u>Y⁵</u>	<u>Y⁵</u>	N	N	N	N	N	N	N	<u>N</u>
A21 Accessory Dwelling Residential Unit⁵	<u>BA</u>		<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

NOTES:

1. But N if occupying more than 50% of the floor area occupied by the principal use and not more than five persons employed on the premises in the DC District and CI District and not more than 10 persons in the CII District and O District.
2. Provided that no more than 25% of the total floor space is used for display or retailing.
3. Such uses shall be restricted to seasonal operations only.
4. Accessory retail sales within a Country Store, as defined in §185-3, shall not exceed 50% of the establishment's floor area open to the public.
5. See §185-19, "Accessory buildings and structures".
6. Planning Board Site Plan Review is required of all Medium-scale Ground-mounted Solar Energy Sytems.
7. Any related structure shall be to the rear of the property's primary building, and at least 25 feet from side and rear property lines.

Franklin DPCD
Revised July 3, 2023
23-895R (As Further Revised)

The foregoing Zoning By-law amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2023

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council



SPONSOR: *Town Administration*

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 23-896: CHANGES TO §185-19. ACCESSORY BUILDINGS AND STRUCTURES

ACCESSORY DWELLING UNIT SETBACKS

A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 19 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 at section §185-19 Accessory buildings and structures by **adding** the following text:

§185-19. Accessory buildings and structures

- A. Purpose. The purpose of this Bylaw is to provide for the reasonable regulation and control of accessory buildings and structures within the Town of Franklin in order to protect the health, safety, and welfare of its residents, without unduly restricting the conduct of lawful enterprise.
- B. Setback requirements and height restrictions. The following setbacks shall apply to all accessory buildings and structures, unless otherwise regulated in other sections of Chapter 185:
 - (1) No accessory building or structure shall be located within a required front yard setback. Lots having frontage on any street will maintain the front yard setback from all street frontage.
 - (2) No accessory building or structure shall be located in any side yard area nearer to the side lot line than 10 feet in any zoning district.
 - (3) No accessory building or structure shall be located in a rear yard nearer to the rear lot line than 10 feet.
 - (4) No accessory building or structures shall be less than a distance equal to the common building height to common grade to any rear or side lot line.
 - (5) No accessory buildings or structures of any size shall be closer than 10 feet to any principal building, or other accessory building or structure.
 - (6) Accessory Dwelling Units within a detached building shall be located no closer to rear or side lot lines than stated in §185-19.B (1)-(5) above, or as stated in §185 Attachment 9 Schedule of Lot, Area, Frontage, Yard and Height Requirements, whichever is greater.**

The foregoing Zoning By-law Amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2023

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: ____ **ABSENT:** ____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

July 14, 2023

To: Town Council

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

Re: Resolution 23-45: Authorization for Intermunicipal Agreement with County of Norfolk for County of Norfolk to Provide Sealer of Weights and Measures Services to Town of Franklin

The Town Council will consider approval of Resolution 23-45 which will allow the Town of Franklin to enter into an IMA with Norfolk County wherein Norfolk County will provide Sealer of Weights & Measures services to the Town.

In 2022, the State terminated their program that provided Sealer of W&M services to Franklin and other communities with a population over 20,000 residents. The Building Commissioner, Gus Brown, has been serving in this role for Franklin in the interim.

We now have an opportunity to join several other towns, including Needham, Canton and Wrentham, in entering into an agreement with Norfolk County, and having these services provided to us by Norfolk County. The agreement is included in the proposed resolution, which is attached as "Exhibit 1" to Resolution 23-45.

The participating communities are currently working on reevaluating the fee schedule and are looking to have commensurate fee schedules. The staff will be back in the next couple of months to propose a revised fee schedule for the services. The fees are collected by the Town and stay within the general fund of Franklin and do not go to the County. The local revenue will help offset the cost of the inspectional services.

We want to take a moment to thank our Norfolk County representative, Peter Padula, as well as John Cronin and Bill Buckley of the County staff for working on a timely solution when the state pulled the carpet out from underneath us.

If you have any questions, please let me know.



**TOWN OF FRANKLIN
RESOLUTION 23-45**

**AUTHORIZATION FOR INTERMUNICIPAL AGREEMENT
WITH COUNTY OF NORFOLK FOR COUNTY OF NORFOLK TO PROVIDE
SEALER OF WEIGHTS AND MEASURES SERVICES TO FRANKLIN**

WHEREAS, Franklin is in need of a person to provide Sealer of Weights and Measures services; and

WHEREAS, County of Norfolk (hereinafter: "County") intends to employ a person as a Sealer of Weights and Measures and is willing to make said person available to Franklin to provide services in consideration of Franklin's payment of compensation to County; and

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

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

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

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

DATED: _____, 2023

VOTED: _____

A TRUE RECORD ATTEST:

UNANIMOUS: _____

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Town Council

INTERGOVERNMENTAL UNIT AGREEMENT

For

SERVICES OF A CERTIFIED SEALER OF WEIGHTS & MEASURES

BETWEEN THE COUNTY OF NORFOLK AND

THE TOWN OF FRANKLIN

THIS INTERGOVERNMENTAL UNIT AGREEMENT ("Agreement") is made and entered into as of this ____ day of _____ 2023 by and between the COUNTY OF NORFOLK ("The County"), a subdivision of the Commonwealth organized under the laws of the Commonwealth of Massachusetts with a principal address of 614 High St, Dedham, MA 02026, acting by and through its Board of County Commissioners and its County Director, and the TOWN OF FRANKLIN ("Franklin"), a municipal corporation organized under the laws of the Commonwealth of Massachusetts with a principal address of 355 East Central Street, Franklin, MA 02038, acting by and through its Town Administrator with the authorization of the Town Council, with no personal liability to each of the aforementioned public officials (hereinafter collectively "the parties").

WHEREAS, Chapter 40, Section 4A of the General Laws, as amended, allows Franklin's Chief Executive Officer, with the authorization of the Town Council to enter into agreements with another governmental unit, including the County, to jointly perform activities or undertakings which any one of them is authorized by law to perform; and,

WHEREAS, Chapter 98, Section 34 of the General Laws, as amended, requires municipalities with more than 20,000 inhabitants to appoint a sealer to enforce the law pertaining to weighing and measuring devices and to the giving of false or insufficient weight or measure; and

WHEREAS, the County will have in its employ a certified Sealer of Weights and Measures at the commencement of Fiscal Year 2024 who will be equipped and capable of performing the testing and inspections of various scales and metered devices necessary for a municipality to comply with the weights and measures enforcement system required by Chapter 98, Section 34 of the General Laws; and

WHEREAS, Franklin does not presently have a certified Sealer of Weights and Measures on its staff; and

WHEREAS, Franklin has explored the options available to municipalities to satisfy the obligations established pursuant to Chapter 98, Section 34 of the General Laws and has chosen to enter into this contract with the County pursuant to Chapter 40, Section 4A of the General Laws; and

WHEREAS, the County has obtained authorization for this undertaking pursuant to M.G.L. c. 40, §4A by vote of Franklin's Town Council as attested to by a certified copy thereof contained in Appendix "A"; and

WHEREAS, the parties have agreed to establish a mechanism for compensating the County for such Weights and Measures services; and

WHEREAS, the parties have agreed that the fees charged by the Sealer of Weights and Measures to the individual businesses for inspections within Franklin (see Appendix "B") will be remitted to Franklin's Treasurer/Collector.

THEREFORE, for good and valuable consideration, including the mutual promises and benefits set forth below, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. TERM

The term of this Agreement shall be three (3) years, commencing on August 1, 2023, and terminating on June 30, 2026.

2. PAYMENT

Franklin has agreed to pay the County (1) a one-time capital startup fee of ten thousand dollars and 00/100 (\$10,000.00) and (2) a flat fee of fifteen thousand dollars and 00/100 (\$15,000.00) per year for each year of this agreement. The one-time capital startup fee and first annual flat fee shall be payable upon the execution of this Agreement, and subsequent annual flat fees shall be payable on or before October 1st in each subsequent year (FY 2025 and FY 2026) for the services rendered by the County under this Agreement.

3. OBLIGATIONS OF THE COUNTY

The County shall furnish Franklin with weights and measures services consistent with Mass. Gen. Laws, c. 98, § 34 during the Term, as follows:

a. The County shall test and seal those commercial weighing and measuring devices located in Franklin at the time the County visits device owners whose devices, in the County's sole determination, are required by Massachusetts law to be tested and sealed.

b. The County shall inspect those retail businesses operating in Franklin which in the County's sole determination are subject to the provisions of M.G.L. c. 98, § 56D for compliance with said Section 56D at least once every two years.

c. The County shall inspect those retail businesses operating in Franklin which in the County's sole determination are subject to the provisions of M.G.L. c. 6, § 115A, M.G.L. c. 94, §§ 184A-184E, or M.G.L. c. 94, §§ 295A-295O for compliance with the unit pricing, item pricing, or price advertising requirements contained in those statutes.

d. The County shall test and seal or inspect such other weights and measures devices located in, or businesses operating in Franklin which, in the County's sole determination, must be so tested and sealed or inspected pursuant to Massachusetts law.

e. In the performance of its work under this paragraph 3, the County shall duly account for the list of all devices requiring inspection to be provided by Franklin, and shall investigate and respond to reports from Franklin of new businesses that have commenced operating in Franklin which Franklin has reason to believe are subject to weights and measures testing and sealing or inspection.

f. The County shall investigate those consumer complaints against businesses operating in Franklin that are received by the County pursuant to Paragraph 4 and that, in the County's sole determination, relate to weights and measures violations.

g. The County shall have the sole authority to determine the timing of the performance of its responsibilities contained in this paragraph 3.

h. The County shall provide Franklin with a summary of all businesses in the Municipality where the County tested and certified devices or conducted inspections during the Term ("Inspections Summary") on a monthly basis. The County will also

include in the Inspection Summary the number and class of devices tested, with sufficient detail to allow Franklin to generate an accurate invoice.

i. The County will also maintain and submit all requisite reporting documents to the Division of Standards.

4. OBLIGATIONS OF FRANKLIN

Franklin will present individual businesses with an invoice for device inspections, payable to Franklin, based on the information provided by the County in paragraph 3(h). Franklin will provide the County with a list of all devices requiring inspection by the County Sealer of Weights and Measures. Franklin will be responsible for the collection of all fees levied by the County for device inspections. Franklin shall notify the County when new businesses commence operating in Franklin which Franklin has reason to believe are subject to weights and measures testing and sealing or inspection, as described in paragraph 3 above. The County shall not be responsible for the testing and sealing or inspection of any such new businesses unless and until Franklin has provided the name and address of any such new business to the County. Franklin may notify the County of any complaints Franklin receives about potential weights and measures violations in Franklin.

5. PERSONNEL

For the purposes of this Agreement, the County shall maintain in its employ a duly certified Sealer of Weights and Measures and necessary support staff, who shall provide all services hereunder in Franklin. Said Sealer of Weights and Measures shall be an employee of the County and the County shall be solely responsible for said person's compensation and benefits. In no event shall this agreement be deemed to make the

Sealer of Weights and Measures an employee of the Town of Franklin or entitle said person to receive any work-related compensation or benefits from the Town of Franklin. The County will perform the services requested under this Agreement in compliance with all applicable laws and regulations, and in a manner consistent with that degree of skill and care ordinarily exercised by Sealers of Weights and Measures currently practicing in the same locality under similar conditions. The County makes no other warranties or representations, either expressed or implied, regarding the services provided hereunder.

6. COMPENSATION & FEES

The compensation and fees paid to Franklin shall be determined, assessed, invoiced, and paid to Franklin pursuant to the fee schedule set forth in Appendix "B".

7. DEFAULT

Franklin's failure to pay outstanding amounts due under this Agreement shall constitute a breach of the Agreement. Such a breach authorizes the County, in its sole determination, to terminate the Agreement after providing at least thirty (30) days written notice of such breach and termination to Franklin.

8. DISPUTE RESOLUTION

No suit upon any claim or cause of action upon, or for damages upon, by reason of, or growing out of, this Agreement or its non-performance or faulty performance, shall be filed or maintainable by any party unless notice of such claim or cause of action be first given to the other party at its above-noted address not less than sixty (60) days prior to filing. In the event any dispute of any kind should arise between the parties concerning the construction of this Agreement or the breach thereof, such dispute may, by

agreement of the parties, be submitted to an arbitrator selected by the American Arbitration Association. The proceedings before said arbitrator shall be governed by the rules and regulations of said Association, and the award and determination of said arbitrator shall be binding and conclusive upon the parties and they herewith agree to abide thereby. Any costs associated with arbitration shall be split evenly between the parties. The parties may also mutually agree to use other forms of alternative dispute resolution, including mediation, to address disputes arising under this Agreement. Notwithstanding the above, the parties reserve the right, either in law or equity, to file suit with the District Court of Norfolk County, Massachusetts or Superior Court of Norfolk County, Massachusetts in the nature of specific performance or other proceeding to enforce or compel performance of any or all terms and conditions herein.

9. ANNUAL STATEMENT

The County shall keep accurate records of services performed, costs incurred, and payments received under the terms of this Agreement. An annual report of this information shall be made available to Franklin on or before February 1 of the following fiscal year.

10. MAXIMUM FINANCIAL LIABILITY

The maximum extent of Franklin's financial liability in connection with this Agreement shall not exceed the amount validly appropriated by, or available to, Franklin for said purpose.

11. LIABILITY

Pursuant to MGL c. 40, s. 4A, each party shall be liable only for the acts and omissions of its own employees and not for the employees of any other agency in the performance of

this Agreement to the extent provided by the Massachusetts Tort Claims Act, M.G.L. c. 258. By entering into this Agreement, none of the parties has waived any governmental immunity or limitation of damages which may be afforded to it by operation of law.

12. AMENDMENT

No officer, official, agent, or employee of Franklin shall have the power to amend, modify or alter this Agreement or waive any of its provisions or to bind Franklin by making any promise or representation not contained herein. Any modification to this Agreement shall be by a written amendment duly authorized by the parties. Said amendment shall be executed in the same manner as this Agreement is executed.

13. ASSIGNMENT

The duties and obligations established by this Agreement shall not be assigned or transferred by any party without the express written consent of the parties, said consent to be made with the same formalities as are required for the execution of this Agreement.

14. GOVERNING LAW

This Agreement and all rights of the parties hereunder shall be governed by the laws of the Commonwealth of Massachusetts.

15. INDEMNIFICATION

To the extent permitted by law, Franklin agrees to indemnify and hold harmless the County, and any employee or agent thereof (each of the foregoing being hereafter referred to individually as an "Indemnified Party"), against all liability, including any expenses and reasonable attorney fees, to third parties (other than liability resulting primarily from the gross negligence of the Indemnified Party) arising from any action or inaction of the County in the provision of services under this Agreement on behalf of

Franklin. Franklin's obligation to indemnify any Indemnified Party will survive the expiration or termination of the Agreement by either party for any reason. The County may, at its option, conduct the defense in any third-party action arising from the Agreement and Franklin promises to fully cooperate with such defense.

16. TERMINATION

Franklin, acting through its Town Administrator, may withdraw from and terminate its participation in this Agreement provided it gives not less than thirty (30) days advance written notice to the County of its intent to terminate as of a stated date certain. Such termination shall take effect on the date following the termination date specified in said notification. Such termination shall not relieve Franklin from any obligations of payment or indemnification that may have arisen hereunder prior to such termination, nor from any financial obligations that may extend beyond the termination date. Upon such termination, the County shall prepare a full statement of outstanding unpaid financial obligations under this Agreement and present the same to Franklin for payment within thirty (30) days thereafter. Upon receipt of a notice to terminate, the County shall consider whether to a) continue under an amended version hereof, or b) dissolve this Agreement in a manner and on a date agreeable to all, in which case Franklin shall thereafter be solely responsible for the provision of its own weights and measures enforcement system within its corporate jurisdiction.

17. WAIVER

The obligations and conditions set forth in this Agreement may be waived only by a writing signed by the party waiving such obligation or condition. Forbearance by a party shall not be construed as a waiver, nor limit the remedies that would otherwise be

available to that party under this Agreement or applicable law. No waiver of any breach or default shall constitute or be deemed evidence of a waiver of any subsequent breach or default.

18. HEADINGS

The paragraph headings herein are used for convenience only, are not part of this Agreement, and shall not affect the interpretation of this Agreement.

19. REPRESENTATIONS AND WARRANTIES

Franklin has been fully authorized to execute this Agreement and no further action is required for Franklin to perform its obligations hereunder. This Agreement has been duly executed by the undersigned on behalf of the parties and constitutes a valid and binding obligation of the parties. The undersigned executing this Agreement on behalf of Franklin has the right, power, authority, and legal capacity to enter into this Agreement and to bind Franklin thereby. The execution, delivery, and performance of this Agreement by Franklin does not and will not violate, conflict with, or result in a breach of, or constitute a default under, any of the terms, conditions, or provisions of any statute, law, or regulation of any jurisdiction as such law or jurisdiction relates to Franklin, or any judgment, order, injunction, decree or award of any court or arbitrator, administrative agency, or government or regulatory body against or binding upon Franklin. There are no actions pending before any court or governmental authority or, to Franklin's knowledge, any investigations pending, or actions threatened, that question or challenge the validity of this Agreement or any action taken or to be taken by Franklin in connection with the obligations undertaken pursuant to this Agreement.

20. SEVERABILITY

If any provision contained herein is determined by a court of competent jurisdiction to be unenforceable, for any reason, or beyond the scope of the statutory provisions of Chapter 40, § 4A of the General Laws, as amended, then it is the intention of the parties that the remaining provisions hereof shall continue in full force and effect.

21. NOTICES

Any notices or communications related to this Agreement shall be in writing and sent by email and mail, concurrently,

For County of Norfolk:

John Cronin
County Director
614 High Street
Dedham, MA 02026
jcronin@norfolkcounty.org

For Town of Franklin:

Jamie Hellen, Town Administrator
Franklin Municipal Building
355 East Central Street
Franklin, MA 02038
jhellen@franklinma.gov

Notice shall be deemed to have been received at the time of actual receipt of any hand delivery, upon the date of verified delivery by a courier or package delivery service, or three (3) business days after the date of any properly addressed notice sent by first class mail.

22. COMPLETE AGREEMENT

This Agreement constitutes the entire agreement between the parties concerning the subject matter hereof, superseding all prior agreements and understandings. Any other

agreements or understandings made or offered, whether oral or written, between the parties concerning the subject matter hereof that are not contained in this Agreement and its amendments are hereby declared invalid.

IN WITNESS WHEREOF the parties hereto have entered into this Agreement under seal as of the day and year first written above.

COUNTY OF NORFOLK

TOWN OF FRANKLIN

By: _____

Its: _____

Date: _____

By: Jamie Hellen

Its: Town Administrator

Date: _____

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

July 14, 2023

To: Town Council

From: Jamie Hellen, Town Administrator

Re: Resolution 23-46: Acceptance of and Authorization for Town Administrator to Execute Conservation Restriction on Two Open Space Parcels at Brookview Condominium located off Pond Street

I am asking the Town Council to approve Resolution 23-46, which formally accepts the open space land on Mine Brook at the base of land that are the Brookview Condominiums. This land was part of the final planning board decision on the site plan for the project. While the small pocket park will be used primarily by the residents in that complex, it is public open space available to all and there are a handful of parking spaces available and a small area to possibly put in a recreational kayak or canoe.

Brookview is the condos at the former sewer beds land off Pond Street.

If you have any questions, please let me know.



TOWN OF FRANKLIN RESOLUTION 23-46

Acceptance of and Authorization for Town Administrator to Execute Conservation Restriction on Two Open Space Parcels at Brookview Condominium located off Pond Street

- WHEREAS,** Town of Franklin (hereinafter: "Town") was formerly the owner of an unimproved parcel of land located off Pond Street and Town disposed of said land by sale to Baystone Franklin, LLC, a real estate developer (hereinafter "Developer"), as evidenced by a deed recorded at Norfolk County Registry of Deeds in Book 35129, Page 16; and
- WHEREAS,** Both Town's agreement with Developer and Franklin Planning Board's decision granting a special permit to Developer required Developer to place a permanent conservation restriction on a portion of said land, which requirement is legally binding upon Developer's successors in interest; and
- WHEREAS,** Brookview Condominium Trust (hereinafter: "Trust") and Brendan Properties Brookview, LLC (hereinafter: "LLC") are the successors in interest to Developer; and
- WHEREAS,** Trust and LLC have had a plan of the subject parcel prepared entitled "Brookview, Pond Street Franklin; Prepared for Brendon Properties Brookview, LLC, by Hancock Associates, 315 Elm Street, Marlborough, MA", which Plan is recorded at the Norfolk County Registry of Deeds in Plan Book 709, Page 29 and have executed a conservation restriction on Open Space Easement Parcel A, consisting of 1.385 acres more or less, and Open Space Easement Parcel B, consisting of 16.08 acres more or less, shown on said plan to Town, by instrument entitled "Conservation Restriction", for nominal consideration, on May 12, 2023, a true copy of said conservation restriction being attached hereto as "Exhibit 1".
- WHEREAS,** The Town Council hereby approves of said "Conservation Restriction" as being in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws;
- NOW THEREFORE, BE IT ORDERED** that the Town of Franklin, acting by and through its Town Council, accepts the grant to the Town of a conservation restriction on the above-described parcel of land, said conservation restriction being on approximately seventeen and one half acres of said parcel: Open Space Easement Parcel A (1.385 acres) and Open Space Easement

Parcel B (16.08 acres), as shown on above-referenced plan and as further described in "Conservation Restriction" attached hereto as "Exhibit 1" and it is further ordered that the Franklin Town Administrator is hereby authorized to execute the original copy of said grant of conservation restriction on the Franklin Town Council's behalf and that an attested copy of this resolution be recorded with the original grant of conservation restriction at Norfolk County Registry of Deeds.

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

DATED: _____, 2023

VOTED:

UNANIMOUS: _____

A True Record Attest:

YES: _____ **NO:** _____

ABSTAIN: _____

ABSENT: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

CONSERVATION RESTRICTION

Grantor: The Brookview Condominium Trust, (the "Condominium Trust") pursuant to a certain Declaration of Trust dated April 27, 2018, and recorded in the Norfolk County Registry of Deeds in Book 35944, Page 200, as may be amended (the "Declaration of Trust"), which Condominium Trust serves as the organization of Unit Owners of the Brookview Condominium (the "Condominium"), a Condominium established pursuant to Massachusetts General Laws Chapter 183A by a certain Master Deed dated April 27, 2018, and recorded in the Norfolk County Registry of Deeds in Book 35944, Page 156, as may be amended (the "Master Deed") and Brendon Properties, LLC, a Massachusetts Limited Liability Company with an address of 259 Turnpike Road, Suite 110, Southborough, Massachusetts 01772, as the successor by merger and formerly known as Baystone Franklin, LLC (each collectively referred to as a "Grantor").

Grantee: Town of Franklin, Massachusetts, a duly organized and existing municipal corporation with administrative offices located at the Franklin Municipal Building, 355 East Central Street, Franklin, Norfolk County, Massachusetts 02038.

Property address: Pond Street and Brookview Road, Franklin, Massachusetts

Title Reference: Quitclaim Deed, With Reserved Easements, Covenants, and Restrictions dated May 22, 2017, and recorded with the Norfolk County Registry of Deeds in Book 35129, Page 16. See also the Master Deed.

The Brookview Condominium Trust, (the "Condominium Trust") pursuant to a certain Declaration of Trust dated April 27, 2018, and recorded in the Norfolk County Registry of Deeds in Book 35944, Page 200, as may be amended (the "Declaration of Trust"), which Condominium Trust serves as the organization of Unit Owners of the Brookview Condominium (the "Condominium"), a Condominium established pursuant to Massachusetts General Laws Chapter 183A by a Master Deed dated April 27, 2018, and recorded in the Norfolk County Registry of Deeds in Book 35944, Page 156, as may be amended (the "Master Deed") and Brendon Properties, LLC, a Massachusetts Limited Liability Company with an address of 259 Turnpike Road, Suite 110, Southborough, Massachusetts 01772, as the successor by merger and formerly known as Baystone Franklin, LLC (each collectively referred to as a "Grantor"), acting pursuant to Article 44 of that certain Purchase and Sales Agreement dated April 25, 2016, entered into by and between Baystone Franklin, LLC and The Town of Franklin, Massachusetts, and as set forth in that certain Quitclaim Deed, With Reserved Easements, Covenants, and Restrictions dated

May 22, 2017, and recorded in the Norfolk County Registry of Deeds in Book 35129, Page 16.

Grantor, for consideration of less than One Hundred (\$100.00) Dollars, the receipt and sufficiency of which is hereby acknowledged, hereby grants, with quitclaim covenants to The Town of Franklin, a duly organized and existing municipal corporation with administrative offices located at the Franklin Municipal Building, 355 East Central Street, Franklin, Norfolk County, Massachusetts 02038, together with its successors and permitted assigns ("**Grantee**") in perpetuity, a Conservation Restriction having the terms and conditions hereinafter set forth (the "**Conservation Restriction**") on certain land located in the Town of Franklin, Norfolk County, Massachusetts, specifically identified and limited to the land and improvements being shown as the "Open Space Parcel A" and "Open Space Parcel B" (the "Restricted Parcels") on a certain plan of land entitled "Easement Plan of Land Brookview Condominium Franklin, MA", which Plan is recorded herewith in the Norfolk County Registry of Deeds in Plan Book 709, Plan 29 (the "Restricted Land Covenant Plan").

For the Condominium Trust Grantor's authority to grant this Conservation Restriction, see Article 5.1.12 of the Declaration of Trust.

I. PURPOSES.

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. Its purpose is to assure that the Restricted Parcels will be retained in perpetuity predominately as land space that is restored or landscaped including irrigation, detention, and/or retention ponds, stormwater catchment areas and subsurface utilities and to provide for the maintenance of stewardship of the Restricted Parcels in perpetuity as hereinafter set forth, by the Grantee at its sole cost and expense, for conservation purposes in their present natural, scenic and open condition as more fully provided herein, and to prevent any use of the Restricted Parcels that would materially impair or interfere with the conservation values thereof. The conservation and permanent protection of the Restricted Parcels will yield a significant public benefit by promoting the following conservation interests:

A. The Restricted Parcels provide open space for public enjoyment, and will be open to the general public for hiking, birdwatching, passive outdoor recreation, and such similar uses as set forth herein;

B. Promoting expansion of the Town's natural resources by providing additional public access point to the adjacent land of the Town of Franklin;

C. The Restricted Parcels provide a relatively natural area offering a diversity of habitat for plants and animals. Conservation of the Restricted Parcels will not only preserve habitat on the Restricted Parcels but will prevent off-site degradation of adjacent protected habitat from pollution, ATVs, and other direct and indirect impacts of residential development;

D. Preservation of the Restricted Parcels, by prohibiting alterations to the natural

character thereof (except as provided herein), will protect the area's scenic and open space value and enhance the passive recreational, human enjoyment, and ecological value of this conservation open space; and

II. ACTS AND USES PROHIBITED OR PERMITTED.

A. Prohibited Acts and Uses. Except as otherwise provided in Section II(B) herein, the Grantor, their respective successors or assigns will neither perform nor permit the following acts and uses to be performed on, above, and/or below the Restricted Parcels:

1. Constructing or placing any new building, asphalt, or concrete pavement, sign, billboard, or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility on, below, or above the Restricted Parcels.;
2. Mining, excavating, dredging or removing from the Restricted Parcels of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit;
3. Placing, filling, storing or dumping on the Restricted Parcels of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks;
4. Cutting, removing or otherwise destroying trees, grasses or other vegetation;
5. Use, parking or storage of motor vehicles including motorcycles, mopeds, all-terrain vehicles, motorized trail bikes, snow mobiles or any other motorized vehicles on the Restricted Parcels except as necessary in emergencies or by police, firefighters or other governmental agents in carrying out their lawful duties; provided however that Parking Area "J" as shown on the Restricted Land Covenant Plan may be maintained and used as set forth in that certain Open Space, Access and Parking Easement dated November 3, 2021, recorded in the Norfolk County Registry of Deeds in Book 40259, Page 1.
6. Any other use of the Restricted Parcels or activity thereon which materially impairs the purposes of this Conservation Restriction unless necessary in an emergency and/or for the protection of the conservation interests that is the subject of this Conservation Restriction.

B. Reserved Rights and Exceptions. Notwithstanding the provisions of Paragraph A, the following activities and uses are permitted:

1. The maintenance or modification of vegetation, excavation, dredging, removal of soil,

loam, peat, gravel, sand, rock, or other mineral resource of natural deposits on the Restricted Parcels for conservation, habitat management, or scientific purposes;

2. Construction, reconstruction, modification, inspection, maintenance, repair, and use of easements, drainage facilities, wastewater facilities, and other utilities rights of way, if any, to service Condominium Property, of which the Restricted Parcels are a part, together with any and all rights and easements necessary and desirable to effectuate the foregoing
3. Drainage from adjoining land;
4. The maintenance, repair, reconstruction and use of ways, trails, fences, bridges, gates, and stone walls on the Restricted Parcels, as reasonably necessary for walking, hiking, snowshoeing, horseback riding, and cross-country skiing on designated trails only, nature study, fishing, and other like activities as hereinafter permitted. The rights in this paragraph shall include the right to create new ways, trails, fences, bridges, gates, and stone walls, so long as such use is not significantly detrimental to water quality, soil conservation, habitat, wildlife conservation and/or forestry management practices or otherwise wasteful of the natural resources of the Restricted Parcels. The aforementioned maintenance, repair, and/or reconstruction shall include the right of the Grantor Condominium Trust and/or its agents, successors, and assigns, but not the general public, to pass and repass over such ways, bridges and trails by motor vehicle for the purposes of maintenance, repair, and reconstruction and for emergency ingress and egress by governmental agencies such as police and fire to and from the Restricted Land;
5. The use of the Restricted Parcels by the general public for passive recreational activity such as walking, hiking, snowshoeing, horseback riding, and cross-country skiing on designated trails only, nature study, fishing, and such other like activities that do not materially alter the landscape, and do not degrade environmental quality of the Restricted Parcels. Specifically, this Conservation Restriction shall permit those activities set forth in that certain Open Space Access and Parking Easement dated November 3, 2021, and recorded in the Norfolk County Registry of Deeds in Book 40259, Page 1, which activities shall include but are not limited to the Grantee's non-exclusive easement over, across, and through the areas identified on the Restricted Covenant Plan as the Pedestrian Access Easement C; Pedestrian Access Easement D; Pedestrian Access Easement E; and Pedestrian Access Easement F, (these four Pedestrian Access Easements shall hereinafter be referred to as the "Pedestrian Access Easements") Proposed Variable Width Access G; and Proposed Variable Width Access H for use by pedestrians to enter and exit the area shown on the Plan as Open Space Parcel A and Open Space Parcel B together with the right to pass and repass throughout the said Open Space Parcel A and Open Space Parcel B, as stated above and including the maintenance, repair, and/or construction thereof by Grantee;
6. The erection and maintenance of signs identifying ownership of the Restricted Parcels; its status as land subject to a Restrictive Covenant, the restrictions on the use of the

Restricted Parcels; the identity or location of trails, areas of interest, natural features or other characteristics of the Restricted Parcels;

7. The de minimis cutting and removal of trees, shrubs, and other vegetation, the planting of native trees, shrubs and other vegetation and the removal of obstacles, such as downed, dead or dying trees, brush, shrubs, debris, or trash for normal maintenance of the Restricted Parcels in a natural condition, to prevent the threat of injury or damage to persons or property; and the cutting of trees and vegetation for any non-commercial purpose in accordance with a plan prepared by a natural resources professional that is designed to protect or enhance the conservation values of the Restricted Parcels, including without limitation, wildlife habitat and scenic values;
8. Trapping to control nuisance wildlife species in accordance with M.G.L. c. 131 § 80A;
9. Measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species, including selective planting of native trees, shrubs, and plant species; and
10. The conduct of archeological activities, including without limitation survey, excavation and artifact retrieval, following submission of an archeological field investigation plan and its approval in writing by the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official).

The exercise of any right reserved by Grantor, (or if required of the Grantee) under this Paragraph B shall be in compliance with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position as to whether such permit should be issued.

C. Notice and Approval. Whenever notice to or approval by Grantee is required under the provisions of this Conservation Restriction, or whenever Grantor intends to undertake any activity that may have an adverse effect on the purposes of this Conservation Restriction, Grantor shall notify Grantee in writing not less than 30 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within 30 days of receipt of said notice. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity will not materially impair the purposes of this Conservation Restriction. Failure of Grantee to respond in writing within 30 days shall be deemed to constitute approval by Grantee of the activity described in the notice, so long as the notice sets forth the provisions of this section relating to deemed approval after 30 days, the requested activity is not prohibited hereunder, and the activity will not materially impair the purposes of this Conservation Restriction or the conservation values of the Restricted Parcels. Grantee acknowledges Grantor shall not be

required to obtain Grantee's prior written approval to take action in the event of an emergency.

III. MAINTENANCE AND STEWARDSHIP OF THE RESTRICTED PARCELS

The Restricted Parcels and Parking Area J, as set forth in that certain Open Space Access and Parking Easement dated November 3, 2021, and recorded in the Norfolk County Registry of Deeds in Book 40259, Page 1, which parking area shall be utilized by the general public to access the Restricted Parcels, shall be maintained and stewarded by the Grantee, at its sole cost and expense, in accordance with the terms of this Restrictive Covenant and, if applicable, the Operation and Maintenance Program for Restricted Land on file with the Town Administrator, as either may be amended from time to time.

IV. LEGAL REMEDIES.

1. A. Legal and Injunctive Relief. This Restrictive Covenant shall be legally binding and enforceable as to the specific obligations required by each Party hereto. Except as otherwise provided for herein, in the event that any Party asserts that the other Party has failed to comply with or has otherwise breached any provision of this Restrictive Covenant, and such alleged failure or breach continues for ten (10) days after service of written notice for such complaining party, the complaining party may institute such action or proceedings as that party deem(s) appropriate to specifically enforce this Restrictive Covenant, including to compel specific performance and to seek injunctive relief. In any action for breach of this Restrictive Covenant, the prevailing Party shall be entitled to recover its reasonable attorney's fees and costs, in addition to any legal and equitable relief to which it is entitled, from the other Party.

B. Non-Waiver. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability. By its acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to any condition of the Restricted Parcels not caused by Grantee or its agents, including with respect to compliance with hazardous materials or other environmental laws and regulations.

D. Acts Beyond the Grantor's Control. Nothing contained in this Conservation Restriction shall be construed to entitle Grantee to bring any action against the Grantor for any injury to or change in the Restricted Parcels resulting from causes beyond the Grantor's control, including, but not limited to, fire, flood, storm, and natural earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Restricted Parcels resulting from such causes. After any injury to the Restricted Parcels resulting from such causes, the parties shall cooperate in attempting to restore the Restricted Parcels to their condition prior to such injury if such restoration is feasible and would promote the conservation purposes of this Conservation Restriction.

E. Trespass. It shall be a violation of this Conservation Restriction for any trespasser or other third party to take any action that would violate this Conservation Restriction if taken by the Grantor or that would materially impair the purposes of this Conservation Restriction or other significant conservation interests, but Grantor shall not be subject to liability for such a trespasser's violation of the same. The Grantor shall make all reasonable efforts to prevent trespassers or other third parties from violating this Conservation Restriction. The Grantee shall also have the right to enforce this Conservation Restriction against trespassers or other third parties, but this shall not in any way diminish the rights of the Grantor with respect thereto or the Grantor's obligations under the preceding sentence, nor shall it create any obligation on the part of the Grantee. If the Grantor is unable to prevent trespassers or other third parties from violating or continuing to violate this Conservation Restriction, or if the Grantor becomes aware of damage caused by trespassers or other third parties to the conservation interests protected by this Conservation Restriction, then the Grantor shall promptly notify the Grantee, and if so requested, shall cooperate with any efforts of the Grantee to prevent such violation or to restore the Restricted Parcels to their condition prior to such damage.

IV. ACCESS.

A. Implied Right of Access. The Conservation Restriction hereby conveyed grants to the Grantee, to the public generally, the right to enter upon the Restricted Parcels as explicitly provided in paragraph IV.B.

B. Grant of Right of Access. The Grantor hereby grants

1. to the Grantee and its representatives the right to enter the Restricted Parcels for all purposes set forth in that certain Open Space, Access and Parking Easement dated November 3, 2021, recorded in the Norfolk County Registry of Deeds in Book 40259, Page 1, and further for the purposes hereinafter set forth:

a. at reasonable times, with reasonable notice and in a reasonable manner for the purpose of inspecting the Restricted Parcels to determine compliance herewith;

b. after thirty (30) days prior written notice, to take any and all actions with respect to the Restricted Parcels which may be necessary or appropriate, with or without order of court, to remedy, abate or otherwise enforce any violation hereof;

c. at reasonable times, with reasonable notice and in a reasonable manner to construct, install, maintain, repair, and replace boundary markers and a reasonable number of signs no larger than two (2) square feet indicating the status of the land as a conservation area and any restrictions on its use; and

d. at reasonable times, with reasonable notice and in a reasonable manner for the purpose of:

(1) mowing all or any part of the fields, meadows and pastures on the Restricted Parcels, it being understood that the Grantor shall have no obligation to take such action,

(2) building and maintaining hiking trails for public use, including the installation and maintenance of trail markers and a reasonable number of directional and informational signs provided the location and designation approved in advance by the Grantor for the limited purpose of instruction and do not materially interfere with the haying activities as permitted upon the Restricted Parcels;

2. to the Grantee the right to allow the general public to enter the Restricted Parcels for all purposes set forth in that certain Open Space, Access and Parking Easement dated November 3, 2021, recorded in the Norfolk County Registry of Deeds in Book 40259, Page 1.

C. The Grantor shall have the right to adopt reasonable rules and regulations to govern use of the Restricted Parcels under its control and to prevent encroachment thereon. If use of the Restricted Parcels by the public materially interferes with the quiet enjoyment of Condominium Property, and measures taken by the Grantor do not sufficiently abate the interference, the Grantor may close the Restricted Parcels to the public until such time as such interference is abated. The Grantor shall provide written notice to the Grantee of such closure no less than one (1) week prior to such action.

V. RELEASE OF RESTRICTED PARCEL.

The Restricted Parcels, or portions thereof, may be released from this Restrictive Covenant by the recording of an instrument executed by the Grantor and Grantee, provided that (i) not less than an equivalent area of land within Condominium Property is made subject to the restrictions of this Restrictive Covenant by the owner of such substituted land in substitution for the portion of the Restricted Parcels to be released, subject to the approval of the Town Administrator acting by and on behalf of the Grantee; and (ii) such substitution of land to be made subject to the restrictions of this Restrictive Covenant is referred to in the release document. Upon compliance of the foregoing, the portion of the Restricted Parcels so to be released shall be thereupon deemed removed from the restrictions of this Restrictive Covenant for all purposes.

A. Judicial Termination. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this restriction can only be

terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law with notice to and approval by the Secretary of the Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Restricted Parcels, shall be entitled to a portion of the proceeds in accordance with paragraph B below, subject, however, to the requirements of any gift, grant, or funding program or to any applicable law which expressly provides for a different disposition of the proceeds. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

B. Cooperation. Whenever all or any part of the Restricted Parcels or any interest therein is taken by public authority under power of eminent domain or other act of public authority, the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in shares equal to such proportionate value based on Grantor's ownership in the Restricted Parcels and Grantee's reserved rights as set forth in this Restrictive Covenant and that certain Open Space Access and Parking Easement dated November 3, 2021, and recorded in the Norfolk County Registry of Deeds in Book 40259, Page 1, subject, however, to the requirements of any gift, grant, or funding program or to any applicable law which expressly provides for a different disposition of the proceeds. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken.

VI. DURATION AND ASSIGNABILITY

A. Running of the Burden. The burdens of this Conservation Restriction shall run with the Restricted Parcels in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Restricted Parcels but only during such time as the Grantor or its successors and assigns own the Restricted Parcels.

B. Execution of Instruments. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; Without limiting the foregoing, the Grantor agrees to execute any such instruments upon request.

C. Running of the Benefit. The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee.

D. Right of Enforcement. Notwithstanding the foregoing, the Grantee shall have the right, in accordance with M.G.L., c. 184, s.32, to assign the right to enforce this Conservation Restriction, so long as the assignee is a governmental body, charitable corporation or trust, or other entity which at the time of such assignment would be qualified to hold this Conservation Restriction. Unless expressly stated otherwise in the instrument of assignment, no such

assignment of the right to enforce this Conservation Restriction shall diminish the rights or benefits held by the Grantee or its successors pursuant to this Conservation Restriction, and the Grantee shall retain the equivalent right to enforce this Conservation Restriction.

VII. SUBSEQUENT TRANSFERS.

A. Conveyance of the Restricted Parcels. The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which the Grantor conveys any interest in all or a portion of the Restricted Parcels, including a leasehold interest, and to notify the Grantee within 20 days of such transfer. Failure to do either shall not impair the validity or enforceability of this Conservation Restriction. Any transfer shall comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

B. Termination of Rights and Obligations. Notwithstanding anything to the contrary contained herein, the rights and obligations under this Conservation Restriction of any party holding any interest in the Restricted Parcels shall terminate upon transfer of that party's interest, except that liability for acts or omissions occurring prior to transfer, and liability for the transfer itself if the transfer is in violation of this Conservation Restriction, shall survive the transfer. Any new owner shall cooperate in the restoration of the Restricted Parcels or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

C. No Merger. The parties intend that no future transfer of the Restricted Parcels or of the rights of the Grantee hereunder shall result in a merger of this Conservation Restriction into the fee. Nevertheless, no deed or other instrument shall be effective if its result would be that both the Restricted Parcels and the rights of the Grantee hereunder would be held by the same entity, and both parties agree not to accept or record any such deed or other instrument, unless in both cases the Conservation Restriction has been assigned to a non-fee owner to avoid merger and assure the continued enforceability by a non-fee owner.

VIII. ESTOPPEL CERTIFICATES.

Upon request by the Grantor, the Grantee shall, within thirty (30) days, execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the extent of Grantor's compliance with any obligation of the Grantor contained in this Conservation Restriction.

IX. REPRESENTATIONS OF THE GRANTEE.

The Grantee represents that it is a municipal corporation that qualifies as a holder of a conservation restriction under the first sentence of General Laws, Chapter 184, Section 32, that it is a qualified organization as that term is defined in Section 170(h)(3) of the Internal Revenue Code of 1986, that it is organized and operated for the purpose of preserving and conserving natural resources, natural habitats and environmentally sensitive areas and for other charitable, scientific and educational purposes, and that it has both the necessary funds and the commitment

to hold this Conservation Restriction exclusively for conservation purposes in perpetuity and to enforce its terms.

X. EFFECTIVE DATE.

This Conservation Restriction shall be effective on the date the Grantor has executed it and recorded it in the Norfolk Registry of Deeds. Notwithstanding the fact that the administrative approvals required by Section 32 of Chapter 184 of the General Laws have yet to be obtained, the Grantor by its signature below covenants and agrees that the Grantor, and its successors and assigns shall be bound by the terms and provisions set forth in this Conservation Restriction to the same extent and under the same terms as if the Grantees and the Secretary of the Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, had affixed their signatures to this instrument. Notwithstanding the fact that the Grantees and the Secretary of the Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, have not signed this Conservation Restriction, this Conservation Restriction shall not be amended without the approval of the Grantees and the Secretary of the Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts.

XI. NOTICES.

Any written notice required or permitted hereunder shall be deemed delivered if sent by certified mail, return receipt requested, postage prepaid, to the Grantor or the Grantee at the addresses set forth at the beginning of this instrument or, with respect to assignees, to the address set forth in a recorded instrument transferring title to the Restricted Parcels or rights hereunder, or to such other addresses as the parties may designate in writing from time to time or as are reasonably ascertainable.

XII. CONSTRUCTION.

A. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to affect the purpose of this Conservation Restriction and the policy and purposes of Massachusetts General Laws Chapter 184, Sections 31-33.

C. Severability. If any provision of this Conservation Restriction or the application thereof to any person or circumstance is held to be invalid, the remainder of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement. With the exception of that certain Open Space Access and

Parking Easement dated November 3, 2021, and recorded in the Norfolk County Registry of Deeds in Book 40259, Page 1, this instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

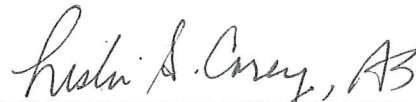
E. Joint Obligation. The obligations imposed by this Conservation Restriction upon the parties that together comprise the "Grantor" shall be joint and several.

F. Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

G. Amendments. This Restrictive Covenant may be amended by the recording of an instrument executed by the Grantor and Grantee. Notwithstanding the forgoing, any and all amendments to the Restrictive Covenant must be reviewed and approved by the Town of Franklin Planning Board.

Executed under seal this 12th day of May, 2023.

Brendon Properties Brookview, LLC

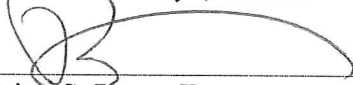


Leslie S. Carey, Authorized Signatory

Brookview Condominium Trust



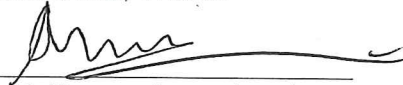
By: Puneet Rachhoya, Trustee



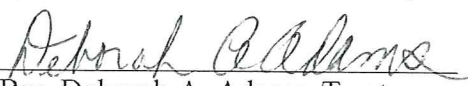
By: Brian S. Psota, Trustee



By: Mijesh Bhatt, Trustee



By: Suresh Kumar Amarakonda, Trustee

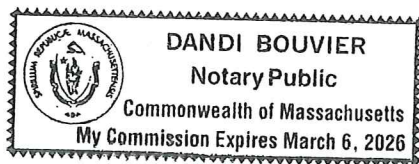


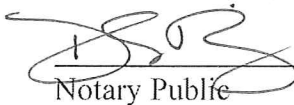
By: Deborah A. Adams, Trustee

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this 12 day of May, 2023, before me, the undersigned notary public, personally appeared Puneet Rachhoya proved to me through satisfactory evidence of identification, which was ☒ photographic identification with signature issued by a federal or state governmental agency, ☒ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Trustee of Brookview Condominium Trust, as the voluntary act of the Trust.



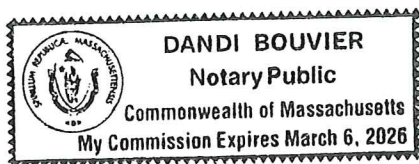



Notary Public
My Commission Expires: March 6, 2026

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this 12 day of May, 2023, before me, the undersigned notary public, personally appeared Brian Psota proved to me through satisfactory evidence of identification, which was ☒ photographic identification with signature issued by a federal or state governmental agency, ☒ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Trustee of Brookview Condominium Trust, as the voluntary act of the Trust.





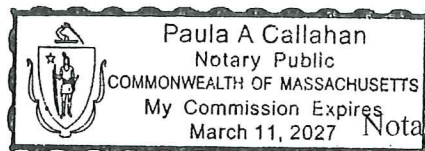
Notary Public March 6, 2026

My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

On this 16th day of May, 2023, before me, the undersigned notary public, personally appeared Leslie S. Carey proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as Authorized Signatory of Brendon Properties Brookview, LLC, as the voluntary act of the Brendon Properties Brookview, LLC.

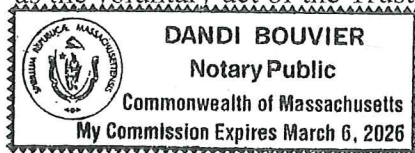


[Signature]
Notary Public Paula A Callahan
My Commission Expires: 3/11/27

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this 12 day of May, 2023, before me, the undersigned notary public, personally appeared Mitesh Bhatt proved to me through satisfactory evidence of identification, which was ☒ photographic identification with signature issued by a federal or state governmental agency, ☒ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Trustee of Brookview Condominium Trust, as the voluntary act of the Trust.



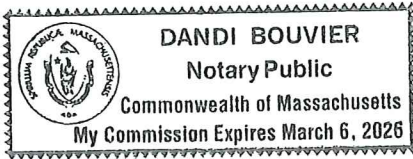
[Signature]
Notary Public
My Commission Expires: March 6, 2026

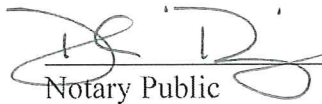
COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this 12 day of May, 2023, before me, the undersigned notary public, personally appeared Suresh Kumar Amarakonda proved to me through satisfactory evidence of identification, which was ☒ photographic identification with signature issued by a federal or state governmental agency, ☒ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document,

and acknowledged to me that he signed it voluntarily for its stated purpose as Trustee of Brookview Condominium Trust, as the voluntary act of the Trust.

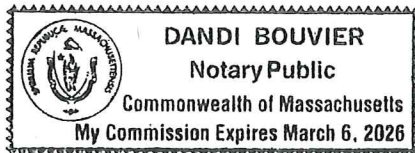




Notary Public
My Commission Expires: *March 6, 2026*

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this 12 day of May, 2023, before me, the undersigned notary public, personally appeared Deborah A. Adams proved to me through satisfactory evidence of identification, which was ☒ photographic identification with signature issued by a federal or state governmental agency, ☒ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as Trustee of Brookview Condominium Trust, as the voluntary act of the Trust.




Notary Public
My Commission Expires: *March 6, 2026*

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

July 14, 2023

To: Town Council
From: Jamie Hellen, Town Administrator

Re: Resolution 23-47: Gift Acceptance - Veterans' Services Dept. & Fire Dept.

The Veterans' Services Dept. and Fire Dept. have received generous donations in the total amount of \$900.

The donations totaling \$600 for the Veterans' Services Department will be applied at the discretion of the Department towards the Veterans' Municipal Assistance Fund in support of local veterans and their families.

The \$300 donation for the Fire Department will be used at the Department's discretion towards the purchase of safety and other related equipment and to fund departmental programs.

Donation Summary:

1. Veterans' Services Department - \$600

- **Municipal Assistance Fund**
 - Sharon Ames, in memory of Kenneth Ames \$500
 - Richard & Cynthia Douglas \$ 50
 - Frank Duggan \$ 50
- \$600

2. Fire Department - \$300

- Fran and Al Kober \$300

Donation Total - \$900

We would like to thank everyone for their continued support of our local services.



TOWN OF FRANKLIN RESOLUTION 23-47

Acceptance of Gifts – Veterans' Services Department & Fire Department

WHEREAS, The Veterans' Services Department and Fire Department have received generous donations in the total amount of \$900 to be used at the discretion of each Department as follows:

Donation Summary:

VETERANS' SERVICES DEPARTMENT - \$600

1. Municipal Assistance Fund

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

FIRE DEPARTMENT - \$300

- Donation will be used at the discretion of the Fire Department towards the purchase of safety and other related equipment and to fund departmental programs.

List of all donors is included in the 7/19//2023 Town Council meeting agenda packet.

NOW THEREFORE, BE IT RESOLVED THAT:

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

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

DATED: _____, 2023

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ NO: _____

ABSTAIN: _____ ABSENT: _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council