

FRANKLIN TOWN COUNCIL

Agenda & Meeting Packet

March 13, 2019

Municipal Building
Council Chambers
355 East Central Street
2nd Floor
7:00 PM

1. ANNOUNCEMENTS

- a. *This meeting is being recorded by Franklin TV and show on Comcast channel 11 and Verizon Channel 29. This meeting may be recorded by others.*

2. CITIZEN COMMENTS

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

3. APPROVAL OF MINUTES

- a. January 30, 2019
- b. February 13, 2019

4. PROCLAMATIONS/RECOGNITIONS

- a. Swearing in of 5 new Police Officers

5. APPOINTMENTS

- a. Conservation Commission, Alan Wallach
- b. Conservation Commission, Braden Rosenberg
- c. Historical Commission, Brock Leiendecker

6. HEARINGS- *None*

7. LICENSE TRANSACTIONS- *None*

8. PRESENTATIONS/DISCUSSIONS- FY20 Budget Fiscal Forecast

9. SUBCOMMITTEE REPORTS

- a. Capital Budget Subcommittee
- b. Budget Subcommittee
- c. Economic Development Subcommittee

10. LEGISLATION FOR ACTION

- a. Resolution 19-21: Acceptance of Gift to the Franklin Fire Department from the Singleton Family Foundation (**Motion to Approve Resolution 19-21 - Majority Vote (5)**)
- b. Resolution 19-22: Appropriation of Cable Funds (**Motion to Approve Resolution 19-22 - Majority Vote (5)**)
- c. Resolution 19-23: Authority for Town Administrator to Settle Pending Litigation Against Town and Payment Appropriation (**Motion to Approve Resolution 19-23 - Majority Vote (5)**)

- d. Resolution 19-24: Norfolk Aggie Supplemental Appropriation FY19 (**Motion to Approve Resolution 19-24 - Majority Vote (5)**)
- e. Zoning Bylaw Amendment 19-829: District Enumerated-Creation of Mixed Business Innovation Zoning District-**2nd Reading (Motion to Adopt Zoning Bylaw Amendment 19-829 - Two Thirds Majority Roll Vote (6))**
- f. Zoning Bylaw Amendment 19-830: Use Regulations- Mixed Business Innovation Zoning District-**2nd Reading (Motion to Adopt Zoning Bylaw Amendment 19-830 - Two Thirds Majority Roll Vote (6))**
- g. Zoning Bylaw Amendment 19-831: Mixed Business Innovation Zone Dimensional Regulations-**2nd Reading (Motion to Adopt Zoning Bylaw Amendment 19-831 to a 2nd Reading- Two Thirds Majority Roll Vote (6))**
- h. Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs, Mixed Business Innovation Zoning District- **2nd Reading (Motion to Adopt Zoning Bylaw Amendment 19-832 to a 2nd Reading- Two Thirds Majority Roll Vote (6))**
- i. Zoning Bylaw Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation on Area on or near Fisher and Hayward Streets -**2nd Reading (Motion to Adopt Zoning Bylaw Amendment 19-833 - Two Thirds Majority Roll Vote (6))**
- j. Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District -**2nd Reading (Motion to Adopt Zoning Bylaw Amendment 19-834 - Two Thirds Majority Roll Vote (6))**
- k. Bylaw Amendment 19-836: Amendment to the Town Code to Add New Chapter 108 Library Board of Directors- **2nd Reading (Motion to Adopt Bylaw Amendment 19-836 - Majority Roll Call Vote (5))**
- l. Zoning Bylaw Amendment 19-837: Zoning Map Changes from General Residential V to Single Family Residential IV, an area on or near West Central Street- **Referral to the Planning Board (Motion to Refer Zoning Bylaw Amendment 19-837 to the Planning Board- Majority Vote (5))**

11. TOWN ADMINISTRATOR'S REPORT

12. FUTURE AGENDA ITEMS

13. COUNCIL COMMENTS

14. EXECUTIVE SESSION - *None Scheduled*

15. ADJOURN

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
January 30, 2019**

A meeting of the Town Council was held on Wednesday, January 30, 2019, at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Patrick Casey, Robert Dellorco, Melanie Hamblen, Glenn Jones, Matthew Kelly, Eamon McCarthy Earls, Thomas Mercer, Peter Padula, Deborah Pellegrini. Councilors absent: None. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Jamie Hellen, Deputy Town Administrator; Mark Cerel, Town Attorney.

CALL TO ORDER: ► Chairman Mercer called the meeting to order at 7:00 PM with a moment of silence and the Pledge of Allegiance.

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

CITIZEN COMMENTS: ► Mr. Dale Kurtz, Veterans' Services Officer, stated that today he attended the Veterans' Association luncheon held at the State House. It was a great opportunity to talk with those in the legislature about issues of importance to veterans. He encouraged everyone to complete the Census and reminded those who are veterans or widows of veterans to check the corresponding box on the form.

APPROVAL OF MINUTES: *December 19, 2018 and January 9, 2019.* ► **MOTION to Approve** the December 19, 2018 and January 9, 2019 meeting minutes by **Paula. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: ► *Swearing-in of Two Deputy Fire Chiefs.* ► Fire Chief Gary McCarragher introduced two Deputy Fire Chiefs: Joseph Barbieri and James Klich. He reviewed their backgrounds and education. ► Assistant Town Clerk Nancy Danello performed the swearing in. ► Town Council members welcomed the fire department's new deputy fire chiefs.

Chairman Mercer called a two-minute recess.

APPOINTMENTS: *None.*

HEARINGS:

- a. *Acceptance of Brielle Way as a Public Way.*
- b. *Layout, Acceptance, and Taking of Michael Road (Extension) and related easement.*
- c. *Acceptance of White Dove Road, Mockingbird Drive, and Blue Jay Street as a Public Way.*
- d. *Acceptance of Paddock Lane, Palomino Drive, Derby Lane & Carter Lane as Public Ways.*
- e. *Acceptance of Padula Drive as a Public Way.*

► Chairman Mercer declared the hearings open. ► Mr. Nutting explained that if the Town accepts these as public ways, the Town will take responsibility for the care and maintenance of these ways. Currently, they are private ways which means that any repairs fall on the property owners that abut the way. Once the Town takes acceptance, then the Town takes that responsibility and bears those costs. So, there is really no downside to becoming a public way. He stated that there are over 100 private ways; they are trying to slowly eliminate most of those because people have lived on those streets for decades, paid taxes, and not realized that the street was not owned or maintained by the Town. The Town does plow most private ways and fixes potholes, but if the street needs to be reconstructed, by law, the Town cannot fix a private way. ► Mr. John Determan, 86 Palomino Drive, stated that it is Canter Lane, not Carter Lane. ► Mr. Cerel stated the spelling was correct on the Resolution. He clarified that regarding Padula Drive, the Town is not going to take over the maintenance; it is a private road and services only one

house. The owner of the property will continue to maintain it in return for the Town to take the property to give the owner legal frontage. ► **MOTION to Close the public hearings by Kelly. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0, Absent-0.**

Note: Agenda items taken out of order.

LEGISLATION FOR ACTION:

- j. Resolution 19-14: Order of Acceptance of Brielle Way as a Public Way (Motion to Approve Resolution 19-14 Two-Thirds Majority Vote (6)). ► Mr. Jones read the resolution. ► MOTION to Approve Resolution 19-14: Order of Acceptance of Brielle Way as a Public Way by Kelly. SECOND by Padula. No Discussion. ► VOTE: Yes-9, No-0, Absent-0.*
- k. Resolution 19-15: Order of Layout, Acceptance, and Taking of Michael Road (Extension) and related easement (Motion to Approve Resolution 19-15 Two-Thirds Majority Vote (6)). ► MOTION to Waive the reading by Padula. SECOND by Kelly. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. ► MOTION to Approve Resolution 19-15: Order of Layout, Acceptance, and Taking of Michael Road (Extension) and related easement by Kelly. SECOND by Dellorco. Discussion: ► Ms. Pellegrini stated that no street lengths are provided in the information. ► Mr. Cerel stated it is not needed as it is on the plan. ► VOTE: Yes-9, No-0, Absent-0.*
- l. Resolution 19-16: Order of Acceptance of White Dove Road, Mockingbird Drive, and Blue Jay Street as a Public Way (Motion to Approve Resolution 19-16 Two-Thirds Majority Vote (6)). ► MOTION to Waive the reading by Padula. SECOND by Kelly. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. ► MOTION to Approve Resolution 19-16: Order of Acceptance of White Dove Road, Mockingbird Drive, and Blue Jay Street as a Public Way by Kelly. SECOND by Padula. Discussion: ► Mr. Cerel noted that White Dove Road will provide public access to abutting town conservation land. ► VOTE: Yes-9, No-0, Absent-0.*
- m. Resolution 19-17: Order of Acceptance of Paddock Lane, Palomino Drive, Derby Lane & Canter Lane as Public Ways (Motion to Approve Resolution 19-17 Two-Thirds Majority Vote (6)). ► MOTION to Waive the reading by Padula. SECOND by Kelly. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. ► MOTION to Approve Resolution 19-17: Order of Acceptance of Paddock Lane, Palomino Drive, Derby Lane & Canter Lane as Public Ways by Kelly. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0, Absent-0.*
- Mr. Padula recused himself.*
- n. Resolution 19-18: Acceptance of Private Road Covenant with Owner of Sole Lot Accessed by Padula Drive (Motion to Approve Resolution 19-18 Majority Vote (5)). ► MOTION to Waive the reading by Kelly. SECOND by Dellorco. No Discussion. ► VOTE: Yes-8, No-0, Absent-0. ► MOTION to Approve Resolution 19-18: Acceptance of Private Road Covenant with Owner of Sole Lot Accessed by Padula Drive by Kelly. SECOND by Dellorco. No Discussion. ► VOTE: Yes-8, No-0, Absent-0.*
- o. Resolution 19-19: Order of Acceptance of Padula Drive as a Public Way (Motion to Approve Resolution 19-19 Two-Thirds Majority Vote (6)). ► MOTION to Waive the reading by Kelly. SECOND by Dellorco. No Discussion. ► VOTE: Yes-8, No-0, Absent-0. ► MOTION to Approve Resolution 19-19: Order of Acceptance of Padula Drive as a Public Way by Kelly. SECOND by Dellorco. No Discussion. ► VOTE: Yes-8, No-0, Absent-0.*

Mr. Padula re-entered the meeting.

Chairman Mercer called a two-minute recess.

Chairman Mercer recused himself.

LICENSE TRANSACTIONS: ► *New Annual All Alcohol License-Franklin Performing Arts Company.* ► Mr. Jones read the license transaction. ► **MOTION to Approve** the New Annual All Alcohol License for Franklin Performing Arts Company and approve the Manager, Alan Mercer, by **Padula. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting noted that they have had 40 to 60 one-day liquor licenses so they have been managing alcohol for the last several years through Alan's leadership. ► Mr. Alan Mercer stated that from an operations perspective, nothing changes. We will still only serve alcohol when there are either productions or events going on in the theater. ► Mr. Cerel stated there is a distinction in the law. A non-profit or charitable entity can pull an all alcohol license whereas a for-profit can only get a beer and wine license. ► **VOTE: Yes-8, No-0, Absent-0.**

Chairman Mercer re-entered the meeting.

PRESENTATIONS/DISCUSSIONS: ► *Public Works Water Presentation.* ► Mr. Brutus Cantoreggi, DPW Director, and Ms. Laurie Ruzala, Water and Sewer Superintendent, provided a slideshow presentation and water works overview. Mr. Cantoreggi began with town statistics including miles of water, sewer and drain pipes, catch basins and outfalls. All drinking water supply is from groundwater. He discussed water regulatory issues, use of water in the 1990s and today, and implementation of water conservation program which includes the leak detection program and meter replacement and calibration program. He discussed that the water main replacement program is underway. The goal is to replace the entire system. He reviewed the average daily pumpage (mgd) and discussed unaccounted-for water. High levels of iron and manganese are issues. He stated that Well 3 is only pumping .25 mgd and Well 6 has been pumping nothing since 2016; these are issues. They are looking at a new treatment plant for Wells 3 & 6. He reviewed the new Grove Street plant. It is 90 percent designed. The plan is designed for future expansion. They have applied for SRF funding which will save money. The estimated cost is \$11.8 million. The plan is to bid in spring 2019, construction start in late summer 2019, and operational in winter 2021. He reviewed the proposed water main replacement program, showed the map, and reviewed the list of roads. He discussed new growth in town; there are 1,000+/- units approved, planned and proposed. Garelick Farms is the town's biggest water customer using over 1 million gal/day. He reviewed potential new demand for water use. They have to look at increased wear and tear on drinking water and sewer systems. He reviewed the annual cost of water per resident, some of the grants they have been awarded, and some of the awards they have received. ► Town Council members asked questions. ► Mr. Cantoreggi stated the cost of chemicals added to water increase. ► Ms. Ruzala stated that not every town puts in fluoride; it is put in by town vote. It is the least expensive chemical they use. She stated that the waste pulled from the wells such as iron and manganese go into the sewer system and are then treated. ► Mr. Cantoreggi explained the current treatment system. ► Ms. Ruzala addressed the salt used on roads and runoff that goes into the water. She stated that they are above health advisory levels for sodium. ► Mr. Cantoreggi stated it is a balancing act between less sodium in the water and public safety with keeping the roads clear. ► Ms. Pellegrini asked about the new growth in Franklin. Do they ever envision not having a water ban? How do they explain to residents that they keep building, but there is a water ban? ► Mr. Cantoreggi stated it is not a water ban; it is a water conservation plan and it is mandated by the state. He stated that last year they had a self-imposed water ban because water withdrawal levels were going down. He explained that fixing Wells 3 & 6 can provide additional water. They look at the most cost-effective way to provide the water that is being demanded by the town. ► Mr. Nutting explained a previous sewer moratorium and a growth bylaw that was passed but never used because the housing boom had passed. In a few years with Wells 3 & 6 online, there will be an extra million gallons of capacity. ► Mr. Cantoreggi stated that private wells are all drawing from the same aquifers. He explained drinking water wells for a home and the town wells. ► Ms. Ruzala discussed the iron and manganese that goes through the treatment plant; it is not in the distribution system. How much each well can produce is determined by a pumping test. She stated they have 10 water and 5 sewer dedicated employees. She

explained the proposed treatment plant. ► Mr. Cantoreggi discussed the sewer system and stated they were working with consultants on this. They are pretty confident that it is okay; it is a 112-year-old system, but every time they go out there, it is working and functioning. It is something that they are looking at to get funding to go forward. They should have something to present to the Town Council by the end of the year. ► Mr. Nutting stated the money from the increase in sewer rates will be enough money to pay for the study. This summer or fall they will ask for an appropriation for the study. ► Mr. Cantoreggi reviewed current sewer use. The sewer replacement is a big issue and very expensive.

SUBCOMMITTEE REPORTS:

► Chairman Mercer stated he did not believe any subcommittees met since the last Town Council meeting; the Budget subcommittee has scheduled a meeting before the next Town Council meeting.

- a. *Capital Budget.*
- b. *Budget.*
- c. *Economic Development.*

LEGISLATION FOR ACTION (continued):

- a. **Resolution 19-02: Appropriation Capital FY19 (Motion to Approve Resolution 19-02 Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 19-02: Appropriation Capital FY19 for \$4,596,000 by **Kelly. SECOND** by **Padula. Discussion:** ► Mr. Dellorco thanked the departments for their cooperation in working on this. He also thanked the Town Council members who worked on the capital program. He reviewed some of the items on the appropriation. ► Mr. Hellen thanked everyone for their support and he thanked the departments for prioritizing what they needed most. He reviewed some of the items listed. ► Mr. Nutting stated that almost everything is a replacement, nothing is new. ► Town Council members asked questions about the appropriations. ► Mr. Kelly asked if the wording for Keller Sullivan School should be changed from roof to HVAC or rooftop units. He thanked the staff for putting in the \$90,000 for the municipal generator. ► Mr. Nutting agreed the word could be changed. He explained that the generator could be used for the Town Hall building and police station. ► Mr. Jones clarified with Mr. Nutting the wording change suggested by Mr. Kelly. ► **MOTION to Amend** the Facilities School line from Keller Sullivan roof to Keller Sullivan HVAC units at \$250,000 by **Kelly. SECOND** by **Padula. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve** Resolution 19-02: Appropriation Capital FY19 for \$4,596,000, as amended, by **Mercer. No SECOND provided. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**
- b. **Resolution 19-03: Appropriation Turf Field Stabilization Fund FY19 (Motion to Approve Resolution 19-03 Majority Vote (5)).** ► **MOTION to Waive** the reading by **Padula. SECOND** by **Kelly. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve** Resolution 19-03: Appropriation Turf Field Stabilization Fund for \$140,880.55 FY19 by **Kelly. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated that \$30,000 of the total amount is from Free Cash and \$110,000 is money left over from the previous field replacement including the fine the company paid for being late. ► **VOTE: Yes-9, No-0, Absent-0.**
- c. **Resolution 19-04: Appropriation Fire Truck Stabilization Fund FY19 (Motion to Approve Resolution 19-04 Majority Vote (5)).** ► **MOTION to Waive** the reading by **Padula. SECOND** by **Kelly. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve** Resolution 19-04: Appropriation Fire Truck Stabilization Fund FY19 for \$100,000 by **Kelly. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated this is to continue to put \$100,000 per year away to replace a fire truck in seven or so years so money does not have to be borrowed. He explained that most communities do not put away money like this; this is why the Town has so many stabilization funds. They are trying to plan ahead. ► **VOTE: Yes-9, No-0, Absent-0.**

- d. Resolution 19-05: Appropriation Water Main Appropriation & Borrowing Authorization FY19 (Motion to Approve Resolution 19-05 Two-Thirds Majority Vote (6)).* ► **MOTION to Waive** the reading by **Padula**. **SECOND** by **Kelly**. **No Discussion**. ► **VOTE: Yes-9, No-0, Absent-0.**
 ► **MOTION to Approve** Resolution 19-05: Appropriation Water Main Appropriation & Borrowing Authorization FY19 for \$7,500,000 by **Kelly**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Nutting stated this is the bond authorization request for \$7.5 million to continue the water line replacement program as previously outlined by Mr. Cantoreggi; the streets are listed in the agenda. He stated that they try to pay down \$2.5 million of the \$7 million in cash, borrow \$5 million for 15 years, and keep rolling the \$5 million to keep the program in perpetuity so it does not affect the rate. The actual total cost of the project exceeds \$10 million, and the rest of that would come out of Chapter 90 funds to do the road work along with the water line work. ► **VOTE: Yes-9, No-0, Absent-0.**
- e. Resolution 19-06: Appropriation OPEB Trust Fund FY19 (Motion to Approve Resolution 19-06 Majority Vote (5)).* ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 19-06: Appropriation OPEB Trust Fund FY19 by **Kelly**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Nutting stated this is part of the fiscal policy to try to help fund OPEB. He referred to Mr. Sherman’s presentation a few weeks ago. ► **VOTE: Yes-9, No-0, Absent-0.**
- f. Resolution 19-07: Appropriation SPED Van FY19 (Motion to Approve Resolution 19-07 Majority Vote (5)).* ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 19-07: Appropriation SPED Van FY19 for \$56,446.65 by **Kelly**. **SECOND** by **Padula**. **Discussion:** ► Mr. Nutting stated the School had many folks that moved in over the summer that needed a van with a lift for special education students. They were paying \$225 per day to a company. They asked if they could buy a van with a lift asap to avoid those ongoing costs. He stated that we took this out of another account temporarily until Free Cash could get certified. We are just trying to replenish the account. The van came online and they avoided the \$1,000 per week cost that they were paying a contractor. The van will last 8 to 10 years. ► **VOTE: Yes-9, No-0, Absent-0.**
- g. Resolution 19-08: Appropriation Street Lighting LED Project FY19 (Motion to Approve Resolution 19-08 Majority Vote (5)).* ► **MOTION to Waive** the reading by **Padula**. **SECOND** by **Kelly**. **No Discussion**. ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve** Resolution 19-08: Appropriation Street Lighting LED Project FY19 for \$100,000 by **Kelly**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Hellen stated this is the last \$100,000 for the LED street light project. In essence, they are getting the entire conversion for about \$100,000 due to grant funding. ► Chairman Mercer stated he thought it was a great project. ► **VOTE: Yes-9, No-0, Absent-0.**
- h. Resolution 19-12: Acceptance of Gift - Veterans Services Department (Motion to Approve Resolution 19-12 Majority Vote (5)).* ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 19-12: Acceptance of Gift for Veterans Services Department for \$1,500 from the Fletcher Hospital Corporation by **Kelly**. **SECOND** by **Padula**. **Discussion:** ► Mr. Dale Kurtz, Veterans’ Services Agent, stated he greatly appreciates the support they get from the Fletcher Hospital Corporation. This money goes into the Veterans’ Gift Fund and they are able to use it for a wide area of resources for veterans and their dependents. ► **VOTE: Yes-9, No-0, Absent-0.**
- i. Resolution 19-13: Acceptance of Gift - Veterans Services Department (Motion to Approve Resolution 19-13 Majority Vote (5)).* ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 19-13: Acceptance of Gift for Veterans Services Department for \$2,500 from the Veterans of Foreign Wars (VFW) to be used for the Franklin Veterans Memorial Walkway by **Padula**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Dale Kurtz, Veterans’ Services Agent, expressed his great appreciation to the VFW for the money for the walkway. He mentioned that they are doing a point-in-time count targeted for veterans but they are counting all homeless people in the Town of Franklin. Anyone who does not have a permanent abode is counted as being homeless. He will be collecting

that data over the next few days and forwarding it to the State who made the request. ► **VOTE: Yes-9, No-0, Absent-0.**

- p. Zoning Bylaw Amendment 18-822R: Changes To §185-20. Signs – 2nd Reading (Motion to Adopt Zoning Bylaw Amendment 18-822R – Two-Thirds Majority Roll Call Vote (6)).* ► **MOTION to Waive** the reading by **Padula**. **SECOND** by **Kelly**. **No Discussion**. ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Adopt** Zoning Bylaw Amendment 18-822R: Changes To §185-20. Signs by **Kelly**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Bryan Taberner, Director, Planning & Community Development, stated this is a second reading of the three related zoning amendments. The current amendment is a revision. At the Town Council’s first reading there were a few minor changes made to the proposed bylaw. The bylaw is a rewrite. Many of the changes are for clarification. The main changes have been discussed before. In general, there were some changes to free standing signs, temporary signs, pre-existing signs, and political signs. ► Mr. Kelly stated great job to Mr. Taberner. ► Chairman Mercer stated it was a very good job done on this. ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Mercer-YES; Padula-YES; Pellegri-YES. ► **VOTE: Yes-9, No-0, Absent-0.**
- q. Zoning Bylaw Amendment 18-823: Changes To Sign District Regulations – 2nd Reading (Motion to Adopt Zoning Bylaw Amendment 18-823 – Two-Thirds Majority Roll Call Vote (6)).* ► **MOTION to Waive** the reading by **Padula**. **SECOND** by **Kelly**. **No Discussion**. ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Adopt** Zoning Bylaw Amendment 18-823: Changes To Sign District Regulations by **Kelly**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Taberner stated this is changes to Attachment 10 for the dimensional regulations for the signs. ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Mercer-YES; Padula-YES; Pellegri-YES. ► **VOTE: Yes-9, No-0, Absent-0.**
- r. Zoning Bylaw Amendment 18-824: Changes To Sign District Overlay Map – 2nd Reading (Motion to Adopt Zoning Bylaw Amendment 18-824 – Two-Thirds Majority Roll Call Vote (6)).* ► Mr. Jones read the zoning bylaw amendment. ► **MOTION to Adopt** Zoning Bylaw Amendment 18-824: Changes To Sign District Overlay Map by **Kelly**. **SECOND** by **Padula**. **No Discussion**. ► Mr. Taberner stated this is an update to the Sign Overlay Map. ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Mercer-YES; Padula-YES; Pellegri-YES. ► **VOTE: Yes-9, No-0, Absent-0.**
- s. Bylaw Amendment 19-835: Changes to Chapter 47, Alcoholic Beverages – 2nd Reading (Motion to Adopt Bylaw Amendment 19-835 - Majority Roll Call Vote (5)).* ► **MOTION to Waive** the reading by **Padula**. **SECOND** by **Kelly**. **No Discussion**. ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Adopt** Bylaw Amendment 19-835: Changes to Chapter 47, Alcoholic Beverages by **Kelly**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Helen stated this is the second reading to allow breweries, wineries and distilleries to waive their requirement to have a restaurant. He stated that the EDC voted in favor of this. He stated that Mr. Kelly had asked that due diligence be done regarding other towns and cities in the region. None of them require the serving of food. ► Mr. Kelly stated he thinks this is going to become bigger in Franklin. He thanked everyone for helping to put this together. ► Chairman Mercer thanked everyone involved for the work they did to put this together. ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Mercer-YES; Padula-YES; Pellegri-YES. ► **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting said they are going through the development process of the budget. There is a Budget subcommittee meeting on February 13, 2019. It is shaping up to be a quite difficult budget year. The Chair is looking to have a presentation in front of the Town Council with all parties involved on March 13, 2019. He said that state aid numbers were received and they were not very good; the Town could lose up to \$1 million in state aid that they did not project.

FUTURE AGENDA ITEMS: ► Mr. Kelly stated he would like to see a general overview presentation from the Recreation Department and he asked that they look into the lighting in the parking lots for the recreational fields for the upcoming spring. He stated that there have been some complaints from groups that use those fields; King Street field in particular. ► Mr. Earls asked about the private solar farm. ► Mr. Nutting stated it was going before the Planning Board on February 11, 2019. The Planning Board decides under the zoning law whether to permit it or not. It will also go before the Conservation Commission. It has to go through this permitting; anyone who has a concern or issue should go to those meetings. It is a Special Permit, so they have to meet the Special Permit criteria.

COUNCIL COMMENTS: ► Ms. Hamblen encouraged everyone to enjoy the football game and stay safe. ► Mr. Casey said *Go Pats*. ► Mr. Mercer gave condolences to the Padula family. He said *Go Pats*. ► Mr. Earls extended an invite to anyone who would like to join them at Franklin TV for Once Upon A Town as they continue to host interviews with people sharing their stories of Franklin through the years. He said *Go Pats*. ► Ms. Pellegrini mentioned that the cable bills have gone up quite a bit. She suggested residents look at their bills and call the company about it. She said Happy Birthday to her husband. ► Mr. Padula said thank you for all the kind words and support received for the passing of his aunt, Linda Padula; she was a wonderful person. ► Mr. Jones gave condolences to the Padula family. He said *Go Pats* and Happy Birthday to his wife. ► Mr. Kelly apologized for his absence from the last Town Council meeting. He gave condolences to the Padula family. He said *Go Pats*. ► Chairman Mercer gave condolences to the Padula family. He said *Go Pats*. He has asked the administration to pencil in on March 13, 2019, an open budget meeting; they are going to invite the School Committee and FinCom. It is really like a state-of-the-budget session. He is looking for contributions from the groups for this open session to try to get the word out to the public so they know what is being faced from a budget standpoint.

EXECUTIVE SESSION: *None.*

ADJOURN: MOTION to Adjourn by Kelly. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 9:06 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
February 13, 2019**

A meeting of the Town Council was held on Wednesday, February 13, 2019, at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Patrick Casey, Melanie Hamblen, Glenn Jones, Matthew Kelly, Eamon McCarthy Earls, Thomas Mercer, Peter Padula, Deborah Pellegri. Councilors absent: Robert Dellorco. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Jamie Hellen, Deputy Town Administrator; Mark Cerel, Town Attorney.

CALL TO ORDER: ► Chairman Mercer called the meeting to order at 7:00 PM with a moment of silence and the Pledge of Allegiance.

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

CITIZEN COMMENTS: *None.*

APPROVAL OF MINUTES: *None.*

PROCLAMATIONS/RECOGNITIONS: *None.*

APPOINTMENTS: ► *Franklin Cultural District, Pandora Carlucci.* ► Mr. Jones read the appointment. ► **MOTION to Ratify** the appointment by the Town Administrator of Pandora Carlucci to serve as a member of the Franklin Cultural District with an expiration of June 30, 2019, by **Padula**. **SECOND** by **Kelly**. **Discussion:** ► Mr. Nutting stated that Ms. Carlucci has done a fantastic job already. ► Ms. Carlucci stated she is honored to serve the Town of Franklin in this way. ► **VOTE: Yes-8, No-0, Absent-1.**

Note: Agenda items taken out of order.

PRESENTATIONS/DISCUSSIONS: ► **Police Department.** ► Police Chief Thomas Lynch addressed the Town Council. He recognized his command staff who were in attendance: Deputy Chief James Mill, Lieutenant James West, Lieutenant John Ryan, and Lieutenant Mark Manocchio. He stated that without these individuals and the tremendous staff at the agency, he would not be able to accomplish many of the items he will be discussing during tonight's presentation. He stated he has been the department chief since July 2016; he reviewed some of the major accomplishments from the past 2 ½ years. His slideshow presentation included an overview of department statistics in arrests, complaints, motor vehicle accidents, and domestic violence; proactive measures; overdose incidents; proactive measures-opioids; mental health issues; public relations, customer service, and community policing; current major projects; Massachusetts accreditation/certification; regional dispatch overview-Metacomet Emergency Communications Center (MECC); and regional dispatch logistical issues. He thanked his communications staff for their great work. He continued the presentation reviewing future issues/concerns; police personnel comparison of other communities; lack of space at the current police station; and volunteer/community outreach programs. He gave kudos to the entire department for their efforts in all the community programs they are involved in. He thanked the citizens of Franklin. ► Mr. Earls thanked Chief Lynch for the great presentation. He reflected on the opioid deaths and was grateful for Narcan. He asked about arrests for people smuggling fentanyl into the community. ► Chief Lynch explained the department's work on looking for people selling drugs and the current work tackling the narcotics activity issue. He reviewed the education efforts at the high school. ► Mr. Padula stated the town's police department exercises courtesy and compassion in dealing with people; this town has the best of the best. ► Mr. Jones stated he appreciates what the police do for the community and their hard work. He noted

that he appreciates the SRO at the Tri-County school. ► Mr. Kelly stated that he was very impressed with the town's police force. He thanked them for increasing police coverage without increasing budget. ► Chairman Mercer stated he thinks the town has the finest police department in the state. He thanked them for thinking outside the box in dealing with issues and staffing, and not having budget issues. ► Mr. Nutting thanked them for making the changes and he thanked the sergeants and patrol officers for stepping up to the changes. He noted the fantastic job they are doing in recruitment and hiring the new police officers.

Chairman Mercer call a two-minute recess.

HEARINGS:

- a. Zoning Bylaw Amendment 19-829: District Enumerated-Creation of Mixed Business Innovation Zoning District*
- b. Zoning Bylaw Amendment 19-830: Use Regulations- Mixed Business Innovation Zoning District*
- c. Zoning Bylaw Amendment 19-831: Mixed Business Innovation Zone Dimensional Regulations*
- d. Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs, Mixed Business Innovation Zoning District*
- e. Zoning Bylaw Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation on Area on or near Fisher and Hayward Streets*
- f. Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District*

► Chairman Mercer declared the public hearings open. ► Mr. Bryan Taberner, Director, Planning & Community Development, stated this was before the Town Council a few weeks ago and they referred it to the Planning Board for a public hearing. The public hearing was held last Monday; the Planning Board recommended approval as proposed. He noted there were quite a few people at the public hearing in support of the amendments. He stated that the first four amendments create the structure for the Mixed Business Innovation zone; the last two amendments put it on the map in this neighborhood. He noted that it could be put on the map in another neighborhood if they found such a need to do so. He provided an overview of the amendments: Zoning Bylaw Amendment 19-829 creates the definition; Zoning Bylaw Amendment 19-830 provides the use regulations for the district; Zoning Bylaw Amendment 19-831 is for the dimensional regulations; Zoning Bylaw Amendment 19-832 is a very small change in §185-20 Signs by adding the Mixed Business Innovation zone to the commercial and business corridor; Zoning Bylaw Amendment 19-833 is to change seven parcels from the Industrial zone to the new proposed Mixed Business Innovation zone; and Zoning Bylaw Amendment 19-834 is a slight change to the sign bylaw overlay map for the zone. The idea for this is to change the whole section of the town as it could use a facelift and upgrade in the uses in the area. This would allow the existing uses to continue, but also allow a substantial amount of additional uses in the hope that it would be a mix of small and commercial businesses and light industrial mixed in. He noted that he had 100 percent agreement with everyone who he talked with about this. However, yesterday, he received a phone call from one of the property owners who is present at tonight's meeting, who may want to speak about this. This person has concerns about rezoning the last two parcels shown near the bottom on the provided map. Mr. Taberner stated he has no problem either way; it will not take away from the rest of the rezoning. ► Mr. John Lambiase, Trustee of 145 Fisher Street, and the representative for his mother at 131 Fisher Street, stated they do not think it is a good fit at the moment. There are current uses going on right now that have been going on for 30 years. He stated that they would like it to stay the same as it is as Industrial zoning. ► Mr. Nutting asked if it was fair to say that all those uses could continue as pre-existing, non-conforming. ► Mr. Taberner stated he thinks Mr. Lambiase's concern is that the contractor's yard is not included in the new uses; but it could continue as a pre-existing, non-conforming use. ► Chairman Mercer confirmed that whatever their current use, they would be able to keep it in perpetuity. ► Mr. Taberner stated whatever legal use they have right now, they can continue until they stop using it for a year or so, and then the building commissioner would not allow them to do it. ► Ms. Pandora Carlucci, 1 Toni Lane, speaking on behalf of

the Franklin Downtown Partnership, stated that it is the partnerships opinion that the zoning initiatives before the Town Council tonight that will create and establish the Mixed Business Innovation zoning district in the Hayward and Fisher Streets area, will help foster growth in an otherwise underutilized area. She read from a prepared statement about the reasons for their support for this new zoning district. ► Mr. Padula confirmed the pre-existing, non-conforming rights. If the use is discontinued for two years, then it is gone. ► Ms. Pellegrini asked Mr. Lambiase if he was comfortable knowing that the use rights were grandfathered in. ► Mr. Lambiase stated that he can see that the new uses could benefit the other properties; however, the change in uses will not be beneficial to the location of the two parcels he is representing. He again stated he believes the zoning change is not in his best interest. ► Mr. Kelly asked for clarification of where Mr. Lambiase's parcels were located. He stated he was confused on the argument and asked which parcels Mr. Lambiase owned. ► Mr. Lambiase stated he did not want those two parcels to be turned over to the new zoning district; he preferred them to stay as is. He asked what the harm of pulling those two parcels out of the new zone to stay as currently zoned as Industrial is. ► Mr. Taberner explained the difference between the Industrial zone and the new Mixed Business Innovation zone. He stated he thinks the use Mr. Lambiase is concerned about is the contractor's yard which is not proposed for the Mixed Business Innovation zone. He said it will not take away from the other parcels if Mr. Lambiase does not want his two parcels rezoned and confirmed that Mr. Lambiase does have his point about not wanting his parcels rezoned. ► Mr. A.J. Dooley, brother-in-law to Mr. Lambiase, stated that his wife is one of the trustees. He asked that if they were not here tonight, would this amendment have become final tonight. ► Mr. Hellen explained that there will still be one more meeting about this. ► Mr. Dooley stated he agrees with Mr. Lambiase. He is glad there is another opportunity to discuss this in order to make the correct decision for themselves as the owners of the property. ► Mr. Hellen stated that for the record, given Mr. Dooley's comments, the administration would be happy to sit down with the family and Mr. Taberner to work through this so they have a good idea about what they are looking at. There is one month before the second hearing. ► Mr. Jones asked Mr. Taberner if it were not the general goal to do away with the Industrial zone in that area. ► Mr. Taberner said Industrial was not inappropriate for that area; however, they were hoping to eliminate Industrial from that neighborhood and up-zone it so it would become a different type of uses in the area. ► Mr. Jones said he was keen on getting rid of the Industrial zone in that area. He feels it would be in the best interest. He asked if removing the two lots from the current rezoning would be a problem in the future if they were ever to seek those two lots added into the new zoning district. ► Mr. Taberner stated he did not think so. ► Mr. Cerel said it would not be a problem to extend the new zone in the future to add in the two lots. ► Mr. Taberner explained that medium Industrial is allowed in town. ► Chairman Mercer stated that as this is the first public hearing, and there is an offer out there to meet and talk through some of the issues, he thinks this should move forward like it is to a second hearing. They should then see how the meeting goes between the administration and the owners. If the feeling is still the same at the next Town Council meeting on March 13, 2019, then we can have further discussion, and if necessary, those two lots can be pulled out at that meeting. ► **MOTION to Close the public hearings by Kelly. SECOND by Jones. No Discussion.**
 ► **VOTE: Yes-8, No-0, Absent-1.**

LICENSE TRANSACTIONS: None.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget.** ► Chairman Mercer stated that Mr. Dellorco is not in attendance at tonight's meeting. He has been up for two days plowing and is now getting some sleep. He does not believe there was a capital subcommittee meeting.
- b. **Budget.** ► Mr. Padula stated the budget subcommittee met tonight prior to this meeting. He said that they discussed numerous issues. There was a recommendation at the meeting to adopt legislation that is coming up later in this meeting. The crux of the discussion was that based on where we have been and where we are going, we will be looking at some shortfalls in the budget going forward. He stated that Chairman Mercer requested that at the next Town Council meeting on March 13, 2019, the Finance Committee, School Committee, and Budget Committee meet to discuss some of those issues.

- c. ***Economic Development.*** ► Mr. Kelly stated that the EDC met tonight to have a brief meeting to discuss a couple of items; they have another meeting on March 13, 2019. He said that they are chipping away at their items and will keep chipping away at them to bring to the Town Council for approval.

LEGISLATION FOR ACTION:

- a. ***Resolution 19-20: Adoption of Fiscal Policies (Motion to Approve Resolution 19-20 Majority Vote (5)).*** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 19-20: Adoption of Fiscal Policies by Padula. SECOND by Casey. Discussion:** ► Mr. Padula stated this was voted on unanimously at the budget meeting to approve this fiscal policy. ► Mr. Nutting stated the policies are the guiding principles that the Town Council adopts; as we prepare the budget, we have a framework in which to work. These are not bylaws, but it is a goal for fiscal stability and a path forward. We have done this in the past and this is just updating a few items with the latest information. ► **VOTE: Yes-8, No-0, Absent-1.**
- b. ***Zoning Bylaw Amendment 19-829: District Enumerated-Creation of Mixed Business Innovation Zoning District-1st Reading (Motion to Move Zoning Bylaw Amendment 19-829 to a 2nd Reading-Majority Vote (5)).*** ► **MOTION to Waive the reading by Padula. SECOND by Kelly. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 19-829: District Enumerated-Creation of Mixed Business Innovation Zoning District to a 2nd Reading by Kelly. SECOND by Padula. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**
- c. ***Zoning Bylaw Amendment 19-830: Use Regulations-Mixed Business Innovation Zoning District-1st Reading (Motion to Move Zoning Bylaw Amendment 19-830 to a 2nd Reading-Majority Vote (5)).*** ► **MOTION to Waive the reading by Padula. SECOND by Kelly. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 19-830: Use Regulations-Mixed Business Innovation Zoning District to a 2nd Reading by Kelly. SECOND by Padula. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**
- d. ***Zoning Bylaw Amendment 19-831: Mixed Business Innovation Zone Dimensional Regulations-1st Reading (Motion to Move Zoning Bylaw Amendment 19-831 to a 2nd Reading-Majority Vote (5)).*** ► **MOTION to Waive the reading by Padula. SECOND by Kelly. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 19-831: Mixed Business Innovation Zone Dimensional Regulations to a 2nd Reading by Kelly. SECOND by Padula. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**
- e. ***Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs, Mixed Business Innovation Zoning District-1st Reading (Motion to Move Zoning Bylaw Amendment 19-832 to a 2nd Reading-Majority Vote (5)).*** ► **MOTION to Waive the reading by Padula. SECOND by Kelly. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs, Mixed Business Innovation Zoning District to a 2nd Reading by Kelly. SECOND by Padula. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**
- f. ***Zoning Bylaw Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation on Area on or near Fisher and Hayward Streets-1st Reading (Motion to Move Zoning Bylaw Amendment 19-833 to a 2nd Reading-Majority Vote (5)).*** ► **MOTION to Waive the reading by Padula. SECOND by Kelly. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation on Area on or near Fisher and Hayward Streets to a 2nd Reading by Kelly. SECOND by Padula. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

- g. Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District-1st Reading (Motion to Move Zoning Bylaw Amendment 19-834 to a 2nd Reading-Majority Vote (5)).** ► **MOTION to Waive** the reading by **Padula**. **SECOND** by **Kelly**. **No Discussion**. ► **VOTE: Yes-8, No-0, Absent-1**. ► **MOTION to Move** Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District to a 2nd Reading by **Kelly**. **SECOND** by **Padula**. **No Discussion**. ► **VOTE: Yes-8, No-0, Absent-1**.
- h. Bylaw Amendment 19-836: Amendment to the Town Code to Add New Chapter 108 Library Board of Directors-1st Reading (Motion to Move Bylaw Amendment 19-836 to a 2nd Reading-Majority Vote (5)).** ► **MOTION to Waive** the reading by **Padula**. **SECOND** by **Kelly**. **No Discussion**. ► **VOTE: Yes-7, No-1, Absent-1**. (Ms. Pellegri voted No.) ► **MOTION to Move** Bylaw Amendment 19-836: Amendment to the Town Code to Add New Chapter 108 Library Board of Directors to a 2nd reading by **Kelly**. **SECOND** by **Padula**. **Discussion:** ► Mr. Nutting stated that in 1990 the Town Council passed a resolution, not a bylaw, creating the Library Board. At the time, we had six members. He stated that along came the Charter four or five years ago, and it was reduced to five members. This will make the Library Board in compliance with the Charter by changing it from six to five members and making it a bylaw instead of a resolution, similarly to what was done with the Council on Aging. He stated they are basically an advisory board to the Town Administrator. ► Ms. Pellegri stated she remembers when this came up. She asked if it wasn't the library director and others who were not in favor of a library board of directors and then there were separate boards. ► Mr. Nutting stated that some of the members of the Town Council were confused about the proposal and thought we were going to eliminate all the current members of the Library Board and ask for new members. That was certainly not the intent. He noted the Library Trustees were here in support of this. ► **VOTE: Yes-8, No-0, Absent-1**.

TOWN ADMINISTRATOR'S REPORT: ► Mr. Nutting wanted to let the community know that the Fire Chief of 20 years has decided to retire at the end of the month. Chief McCarragher has done a fantastic job with the department over the years. He wished him well on his future endeavors. We will start the process on his replacement. ► Mr. Hellen offered condolences on behalf of his office to Mr. Cerel whose mother recently passed away.

FUTURE AGENDA ITEMS: *None*.

COUNCIL COMMENTS: ► Mr. Earls stated that he began serving with the Mass Municipal Councillors' Association. He had a lengthy day of meetings yesterday; he noted that many communities share many of the same issues. ► Mr. Padula stated the fire chief has done a great job and will be missed. He gave condolences to Mr. Cerel and his family. ► Ms. Hamblen gave condolences to Mr. Cerel and his family. ► Mr. Casey gave condolences to Mr. Cerel and his family. He thanked the police department for the update and presentation. He stated that they are always positive, respectful, and courteous. ► Mr. Jones gave condolences to Mr. Cerel and his family. He commented on an article in the Milford Daily News about trains and train whistles in town and that people would like to see quiet zones. He stated that he lives a few blocks from the train and it does not bother him. He knew there were trains when he moved in. He will not support any efforts to make quiet zones in the Town of Franklin for the reasons of safety and expense. ► Mr. Kelly said that Chief McCarragher will be missed. He gave condolences to Mr. Cerel and his family. ► Chairman Mercer wished Chief McCarragher the very best in his retirement; he will be missed. He gave condolences to Mr. Cerel and his family. He stated he has received a few calls and has spoken with Mr. Hellen about reinstating the Senior Center coffee meetings; it will start up again in the next weeks. The dates will be put on public access.

EXECUTIVE SESSION: *None*.

ADJOURN: MOTION to Adjourn by Kelly. SECOND by Padula. No Discussion. ► VOTE: Yes-8, No-0, Absent-1. Meeting adjourned at 8:25 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary



APPOINTMENTS

Franklin Conservation Commission

Alan Wallach
24 Shayne Rd

The Franklin Conservation Commission has recommended the appointment of Alan Wallach to serve as a member of the Franklin Conservation Commission with an expiration of June 30, 2021.

MOTION to ratify the appointment by the Town Administrator of Alan Wallach to serve as a member of the Franklin Conservation Commission.

DATED: _____, 2019

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Teresa M. Burr
Town Clerk

ABSTAIN _____

ABSENT _____

RECUSED _____

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: February 4, 2019

Name: Alan Wallach

Home Address: 24 Shayne Rd. (#325)
FRANKLIN, MA 02038

Mailing Address: 24 Shayne Rd. (#325)
FRANKLIN, MA 02038

Phone Number(s):

Email Address:

Current Occupation/Employer: Retired

Narrative: Interested in joining Conservation Commission. Over 35 years management experience in Facilities & Project Management. Also teaching experience at the college level. I hold both BS and MS degrees.

Board(s) / Committee(s): Conservation Commission

ALAN J. WALLACH

24 Shayne Road • Franklin, Massachusetts 02038

SUMMARY

Take-charge facilities and operations senior manager with deep expertise originating and executing multi-million-dollar corporate construction and renovation projects from inception through execution. Unflappable leader offering consistent management amid crises. Motivator able to build, professionally develop, and manage a solid, cohesive staff. Customer-focused project manager proficient in financial and budget management with reputation for meeting strict time and budgetary constraints.

PROFESSIONAL EXPERIENCE

LIBERTY MUTUAL, Boston, MA

2009-2018

3rd largest property and casualty insurer in the U.S. with over 45,000 employees.

FACILITY PROJECT MANAGER (2013-2018, RETIRED)

Manage the analysis, design and construction of multiple base building capital infrastructure projects for the world headquarters and other New England locations from inception, implementation through execution. Direct all aspects of project life cycle process including project and budget development, contractor pre-qualification, bid specifications, contract negotiation, schedules and closeout. Consult and collaborate with Facility Managers and key stake holders for the development of long term capital project requirements. Responsible for the presentation and justification of all proposed projects to senior management.

PROJECT HIGHLIGHTS:

Execution of (100+) capital projects valued at \$30M in the areas of life safety, security, HVAC, plumbing, electrical and site work.

FACILITY MANAGER (2009-2012)

Direct strategic facility operations for world headquarters encompassing 500K+ square feet of space serving 2000 employees. Direct 19-member in-house staff tasked with delivering reactive and preventive maintenance services for mechanical, plumbing, electrical, life safety, structural and security systems. Oversee multiple service providers including 24/7 security service, vertical transportation, janitorial, snow removal and exterior landscaping.

OPERATIONAL HIGHLIGHTS:

- Key member of team responsible for successfully achieving USGBC LEED EB (existing building operations and maintenance) gold status.
- Created and managed \$16M operating budget to plan.
- Crafted a 3-year \$12M rolling capital improvement plan. Plan presented to senior management which was subsequently approved.
- Partnered with in-house project managers, engineers and architects to successfully deliver multiple fit-out and infrastructure projects including complete restoration of 24 bathrooms, 1000kW life safety generator, building façade repairs, replacement of electrical distribution system and elevator interior cab renovations.
- Directed the reorganization and consolidation of all base building and fit-out plans as well as operations and maintenance documentation into one central library.
- Performed complete analysis of all service contracts with third party providers to ensure that scope of deliverables being met and that cost of service provided maximum value to the business.

PROCESS IMPROVEMENTS:

- Devised a comprehensive building inspection and assessment program utilized for identifying operating deficiencies as well as for capital planning purposes.
- Enhanced communication and information sharing with facility operations staff by instituting a monthly department meeting in addition to a twice per year one-on-one meeting with each staff member.
- Strengthened contractor building access and work rule standards in order to minimize impact to business.

- Created service level standards for tracking the delivery of reactive and preventive maintenance. Standards are tied to computerized work order system. Service level standards initially developed for Boston campus and subsequently rolled out on a portfolio wide basis.

WENTWORTH INSTITUTE OF TECHNOLOGY, Boston, MA
Private design and engineering college.

2008-2009

ADJUNCT PROFESSOR, DEPARTMENT OF DESIGN AND FACILITIES

Taught courses related to facilities forecasting, planning and assessment to students working towards bachelor's degree in Facilities Management. Developed and refined curriculum and resources used in lectures and labs.

EMCOR FACILITIES SERVICES, Boston, MA
Company servicing 1B square feet of space worldwide.

2008-2009

SENIOR FACILITIES MANAGER

Directed U.S. facilities operations, move management, and reactive and preventive maintenance functions for 800K+ square feet of office space and critical systems for a large financial services company. Sites served included Atlanta, Boston, Chicago, Marlborough, MA, Radnor, PA, and San Francisco. Recruited, hired, and trained new personnel to function as a highly professional management team responsive to client needs. Strengthened client relationships through consistent service delivery.

OPERATIONAL HIGHLIGHTS:

- Commissioned 160K+ square feet of new high-end office space over six months as head of project team leveraging internal and external resources.
- Guided the client's transition from internal to outsourced service delivery.
- Orchestrated the seamless relocation of 900 personnel, equipment, and high-value artwork over six months.
- Acted as catalyst for centralization of new work order management system, eliminating legacy work order process.
- Originated regular site inspection program, measurably bolstering appearance and functionality of general office space.
- Projected 2009 client cost savings of \$150K through creation of comprehensive optimization plan outlining renegotiation of vendor labor rates and realignment in scope and frequency of select maintenance functions.
- Crafted an initiative set to slash \$100K from client's 2009 move management expenses.

DIGITAS, Boston, MA

1986-2007

A leading interactive and direct marketing services firm with 2,000+ employees in the U.S. and Europe.

DIRECTOR OF FACILITIES MANAGEMENT (1992-2007)

Delivered comprehensive facilities operations and management services for 500K+ square feet of office space, data centers, UPS, HVAC, and environmental monitoring systems for locations in New York City, Philadelphia, Detroit, Chicago, San Francisco, Atlanta, Norwalk, CT, and London. Directed 35-member staff tasked with move management, maintenance, housekeeping, catering, procurement, reprographics, mail/shipping, safety and security. Outsourced and managed services provided by architects, interior designers, security consultants, mechanical and electrical engineers, and audiovisual consultants. Played comprehensive role in opening and start-up of new office locations.

OPERATIONAL HIGHLIGHTS:

- Managed capital and operating budgets ranging from \$2M to \$27M, including development and continuous review of budgeted amount vs. actual expenditures with focus on managing to budget.
- Directed project management teams assigned to complete construction and interior fit-out projects ranging from 5K-200K square feet.
- Handled real estate lease administration, tracking critical dates such as rental rate bumps, exercising of options, renewals, and expiration dates to ensure contractual compliance.

PROJECTS:

- Spearheaded design and construction of new \$22M, 200K square foot corporate headquarters within extremely tight budget constraints. Orchestrated entire project from scheduling, budget, design, functionality, technology, construction, and staff management, to move-in.
- Executed 15 projects valued at \$6M spanning 600K square feet from interior renovations and fit-outs to occupancy in U.S. and London. Company grew from 450 to 2,000 employees in six years.

PROCESS IMPROVEMENTS:

- Realized \$400K in annual savings by engineering RFP for national office supplies contract.
- Improved accurate and timely reporting of budget vs. cost analysis figures by originating standard budget template tied to 16 divisions of construction specification index for use on major renovations and build-outs. Finance budget partners adopted this model.
- Formulated monthly "Office Space Inventory Report" to better track varying headcount levels at company offices and facilitate space requirements forecasting.
- Captured valuable feedback by implementing post-move/occupancy survey through Zoomerang's online survey software tool.
- Boosted team-building among remote locations by establishing weekly call-in session.
- Established weekly walkthrough program introduced in Boston before subsequent rollout at other offices. Initiative required key facilities personnel to inspect entire space to identify and resolve any maintenance, HVAC, and housekeeping problems.

Additional DIGITAS positions included MANAGER OF GENERAL SERVICES (1986-1992)

EDUCATION

Central Connecticut State University, New Britain, CT

- **M.S., Guidance & Counseling**
- **B.S., History**

PROFESSIONAL DEVELOPMENT

- Budget Management
- Project Management
- Disaster Recovery / Business Continuity
- Safety & Security
- Maintenance Techniques

AFFILIATIONS

International Facility Management Association (IFMA) (1993-2018)

- Member of Awards of Excellence selection committee (2009-2015). Select annual winners in areas of best practices, exemplary end user and service provider, emerging leadership, education and professional development.
- Presenter at Boston chapter of IFMA Career Preservation Task Force.
- Presented corporate relocation case study to Boston chapters of IFMA and IIDA (International Interior Design Association).
- Presenter at IFMA Best Practices Forum in Washington, D.C. Title of presentation was "The Facilities Operating Budget Process."

Town of Franklin

Tel: (508) 520-4929

Fax: (508) 520-4906



Conservation Commission

355 East Central Street • Franklin, Massachusetts 02038-1352

TO: Jeff Nutting
Town Administrator

FROM: George Russell, AICP
Conservation Agent *GR*

DATE: February 19, 2019

RE: ConCom Member

At their 2/14/19 meeting, the Commission met with Mr. Alan Wallach who is interested in joining the Commission to fulfill the vacancy created by the resignation of Tara Henrichon.

The Commission voted unanimously to recommend that Mr. Wallach be appointed to the Commission.

CC: Membership file





APPOINTMENTS

Franklin Conservation Commission

Braden Rosenberg
71 Conlyn Ave

The Franklin Conservation Commission has recommended the appointment of Braden Rosenberg to serve as a member of the Franklin Conservation Commission with an expiration of June 30, 2019.

MOTION to ratify the appointment by the Town Administrator of Braden Rosenberg to serve as a member of the Franklin Conservation Commission.

DATED: _____, 2019

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Teresa M. Burr
Town Clerk

ABSTAIN _____

ABSENT _____

RECUSED _____

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: February 15, 2019

Name: Braden D Rosenberg

Home Address: 71 Conlyn Ave
FRANKLIN, MA 02038

Mailing Address: 71 Conlyn Ave
FRANKLIN, MA 02038

Phone Number(s):

Email Address:

Current Occupation/Employer: Senior Environmental Manager - Easter Research Group (ERG)

Narrative: I have ample availability to support ConCom activities, including bi-weekly Thursday night meetings and all the preparation required.

My skills, education and experience are all directly relevant to ConCom and compliance with the Wetlands Protection Act and other relevant statutes. I have both B.A. and M.S. degrees in Geology with a specific focus on surface processes like erosion, runoff, nutrient loading, and sedimentation. As shown in my attached resume/CV, my work activities include several projects directly relevant to the ConCom including an ecosystem services valuation of coastal wetlands in the Great Lakes, the development of a new Water Quality Restoration Program for the Massachusetts Division of Ecological Restoration, and an update to the MassDEP Nonpoint Source Pollution Management Plan. I am also working on a project in the Mystic River watershed to help the Towns of Arlington and Winchester navigate new NPDES permit requirements for stormwater discharges. The Town of Franklin is also grappling with the new NPDES requirements, although that has little to no bearing on ConCom jurisdiction. Through my work I have become very familiar with regulations surrounding pollution control and ecosystem protection.

As a resident of Franklin I would very much like to apply this knowledge to the ConCom to help manage and protect sensitive water resources and ecosystems in the town. This is especially important because Franklin is in the headwaters of the Charles River, which struggles greatly with pollution.

Board(s) / Committee(s): Conservation Commission

Professional Experience and Qualifications

Mr. Rosenberg has experience in geology and environmental science, with a research background focused on weather-related seasonal river export, and the impact of landcover on riverine geochemistry. During this research, he used NLCD landcover data and SSURGO soil data to develop a conceptual model for the export of sediment, metals, and nutrients from agricultural sub-watersheds during high flow events, comparing geochemistry downstream of these agricultural sub-watersheds to upland forested watersheds. He has expertise with large environmental datasets, GIS analysis, data analysis and visualization, literature review, and technical writing.

Areas of Expertise

- Geology and environmental science
- GIS analysis
- Climate vulnerability and resilience
- Surface water quality analysis
- Ecosystem services modeling

Mr. Rosenberg is currently supporting NOAA's National Water Center to develop and solicit feedback on prototypes for forecast services using the National Water Model and designed and built an Esri StoryMap to facilitate information gathering from stakeholders at focus group events. He is currently leading a GIS-based evaluation using the InVEST model to assess ecosystem services values for a segment of coastal wetlands in Lake Huron and Lake Erie, utilizing a wide range of terrestrial, aquatic, hydrologic, and climatological datasets. Mr. Rosenberg has also provided support to USACE in developing an indicator-based vulnerability assessment tool and was responsible for using GIS to aggregate indicator values to the HUC-4 scale. For the U.S. Agency of International Development (USAID), Mr. Rosenberg led GIS activities to support environmental impact assessments and biodiversity assessments in developing nations, using available remote sensing data and other data sources to analyze changes over time. Mr. Rosenberg has accessed, analyzed, manipulated, and visualized numerous environmental datasets including: NOAA's sea level rise inundation datasets, SLOSH Maximum of Maximums datasets, NLCD, MODIS landcover data, ICLUS population/housing density and impervious surface data, floodplain datasets, facility point locations (e.g., TRI, Superfund, POTWs, etc.), subsurface geochemical and hydrologic data, and soil datasets (e.g., SSURGO). He has used these datasets to help develop indicators for vulnerability assessments, and has analyzed data to identify at-risk areas and understand the interconnections among the datasets.

Education and Certifications

M.S., Geology, University of Vermont, 2015

B.A., Geology, Middlebury College, 2011

Professional Experience

Eastern Research Group

Development of a Water Quality Restoration Program for Ecological Restoration (Massachusetts Division of Ecological Restoration)

2017 – Present

2018 – Present

Technical lead for an effort to design a new technical assistance program targeted at small to medium-sized watershed organizations and municipalities that are focused on improving water quality. The program is being designed to help groups transition from data collection and monitoring to implementation of restoration projects, including identification of strategic goals, actions to address identified water quality issues, and community outreach and social marketing around restoration projects. The structure of the program is informed by literature review, interviews with practitioners, and past experience working on water quality programs. After designing the program, a Request for Proposals will be developed to solicit interest for a pilot project to field test the water quality restoration program and identify enhancements or modifications to increase its efficacy.

Ecosystem Services Assessment for Coastal Wetlands in the Great Lakes (NOAA)

2018 – Present

Leading the technical component of an ecosystem services assessment in a segment of the Great Lakes coast from Saginaw Bay, MI to western Lake Erie. The assessment is utilizing Natural Capital's InVEST software to model a range of ecosystem services including sediment and nutrient retention, coastal vulnerability (erosion protection), recreation, and habitat quality. The modeling utilizes a wide range of input datasets including historical and projected average annual precipitation, SSURGO soil parameters, NOAA's C-CAP land cover data, and the Variable Infiltration Capacity (VIC) dataset. The output of this assessment will be ecosystem services values for discrete coastal wetlands in the study area, serving as the foundation for future site-specific detailed assessments.

Update to the Massachusetts Nonpoint Source Pollution Management Plan (MassDEP) 2018 – Present

Project manager and technical lead for a 5-year update to the State's NPS Pollution Management Plan, which defines priorities and objectives for the Clean Water Act Section 319 program. The s.319 program provides grants to eligible applicants that are implementing projects to improve NPS pollution control across the state. The plan update is required every 5 years to meet EPA requirements for a NPS Program Plan. Coordinating with key partners at other state agencies to learn about new and modified programs related to NPS pollution and monitoring. Updating the NPS Plan to reflect new programs and to add new objectives and milestones to guide NPS Program activities for the next 5 years.

Assessment of the Benefits of Improved Flood Forecasts and Economic Data (NOAA) 2018 – Present

Leading GIS efforts to screen and prioritize coastal counties that are vulnerable to both riverine and coastal flooding and have large ocean economies, with the purpose to pilot test a local economic impacts analysis approach using NOAA's Ocean Economy Satellite Account (OESA). Evaluating the benefits and limitations of using a coupled flood model (both riverine and coastal) along with an expanded ocean economy dataset (OESA) for economic assessments at a local scale, including the design of a theoretical economic assessment for a selected pilot location. The screening and prioritization is being conducted in multiple phases, beginning with the use of publicly available GIS tools like NOAA's Coastal Flood Exposure Mapper and FEMA's National Flood Hazard Layer. The site prioritization step will utilize local sea level rise, flooding, economy, and other datasets to identify the best locations to pilot test the use of OESA.

Climate Adaptation Plan for the City of Alameda, CA

2018 – Present

Providing key technical support for the development of the adaptation component of the City of Alameda's Climate Action Plan (CAP) update. Conducted a detailed review of existing studies and assessments to determine a baseline of understanding on potential climate threats and their impacts, as well as specific asset vulnerability. Leading a risk assessment of critical assets to determine their exposure, sensitivity, and adaptive capacity for a range of climate threats including sea level rise and associated flooding, inland flooding from surface water runoff and rising groundwater levels, extreme heat events, and drought. Developing adaptation strategies to address these priority threats with actionable recommendations on how to move forward from the CAP to implementation.

Development of Socioeconomic and Environmental Baselines for Caribbean Nations

2016

Conducted extensive literature review of policies, plans, project documents, data, and other resources to identify critical data gaps in St. Lucia, Dominica, Grenada, and St. Vincent & the Grenadines. Data was collected and evaluated to develop a socioeconomic and environmental baseline that identifies vulnerable communities and/or demographic groups to inform the implementation of projects aimed at increasing the resilience of Caribbean island nations to climate change via adaptation and mitigation measures. Led GIS activities to support the baseline development and identify vulnerable communities to aid in pilot project identification. In all countries, an assessment of current planning efforts towards National Adaptation Plans (NAPs) and National Appropriate Mitigation Actions (NAMAs) is being conducted to help these nations identify and implement targeted pilot projects.

Technical Support for USAID Global Environmental Management Support (GEMS)

2015 – 2017

Provided technical support for USAID in the development of environmental reports in developing countries, including environmental impact assessments (EIAs), biodiversity and tropical forestry assessments, and other evaluations of USAID programs. Led GIS mapping efforts to support field work and report development, and provided technical expertise on climate components of the assessments. Conducted desk research of existing plans, reports, policies, and other documents to evaluate the threats faced by the environment in these developing countries and their impacts, as well as the successes and shortcomings of USAID programming in the area.

Climate Change Vulnerability Assessment (VA) Tool

2015 – 2017

Provided support for the development and optimization of a detailed indicator-based vulnerability assessment tool for the U.S. Army Corps of Engineers. The tool was developed to provide a quantitative representation of relative vulnerability for HUC-4 scale watersheds in the United States, and provides projections of vulnerability for two future epochs (2035 and 2060) under two climate scenarios (wet and dry). Helped develop and calculate indicators through statistical and GIS analysis. Performed detailed GIS processing to aggregate or disaggregate indicator values to the HUC-4 level, using demographic, climatic, meteorological, and other environmental data such as flood impact areas.

Publications

Rosenberg, B., A. Schroth. (2017). Coupling of reactive riverine phosphorus and iron species during hot transport moments: impacts of land cover and seasonality. *Biogeochemistry*. 131(319):1-20.



APPOINTMENTS

Franklin Historical Commission

Brock Leiendecker
12 Flintlocke Rd

The Franklin Historical Commission has recommended the appointment of Brock Leiendecker to serve as a member of the Franklin Historical Commission with an expiration of June 30, 2021.

MOTION to ratify the appointment by the Town Administrator of Brock Leiendecker to serve as a member of the Franklin Historical Commission.

DATED: _____, 2019

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Teresa M. Burr
Town Clerk

ABSTAIN _____

ABSENT _____

RECUSED _____

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: October 16, 2018

Name: Brock Leiendoeker

Home Address: 12 Flintlocke Rd
FRANKLIN, MA 02038

Mailing Address: 12 Flintlocke Rd
FRANKLIN, MA 02038

Phone Number(s): _____

Email Address: _____

Current Occupation/Employer: Preservation Carpenter

Narrative: My availability is flexible, though nights and weekends would be when I am most free. I can work around meetings or necessary appointments during business hours.

I am a graduate of the Preservation Carpentry program at North Bennet Street School in Boston. I currently instruct in the Preservation Carpentry and Continuing Education departments along with working full time as a preservation carpenter, timber framer, and in architectural restoration. My work region is eastern Ma and RI including the cape and islands.

My interest in the Historical commission centers around my passion for preserving the built environment and assisting property owners in maintaining their older buildings.

Board(s) / Committee(s): Historical Commission

BROCK LEIENDECKER

12 Flintlocke Road, Franklin, MA 02038

OBJECTIVE

To join the Historical Commission for the town of Franklin, Massachusetts.

WORK EXPERIENCE

- Leiendecker Preservation** – Franklin, MA **May '16 – Present**
Owner – Preservation carpentry firm working to preserve homes and buildings
- NDA Restorations** – Westport, MA **Jan '17 – Present**
Preservation Carpenter
- North Bennet Street School** – Boston, MA **Oct '17 – Present**
Instructor – Continuing Education and Preservation Carpentry Departments
- Michael L Burrey Restoration, Inc.** – Plymouth, MA **Apr '16 – Jan '17**
Preservation Carpenter
- Southside Community Land Trust** – Providence, RI **Mar '12 – Sept '13**
Director of Operations
Lead financial officer for \$900k organization: managing accounting according to GAAP standards.
Facility: Managed annual maintenance, renovation, and expansion of SCLT properties throughout Providence & Cranston at the rate of two properties per year.
Property Development: Project manager for developing new community gardens and farms including the coordination of contractors, city departments, staff assistance, and volunteers
- Institute for the Study and Practice of Nonviolence** – Providence, RI **Jul '11 – Mar '12**
Interim Chief Operation Officer
Operations Manager

EDUCATION

- North Bennet Street School** – Boston, MA **Class of 2016**
Diploma in Preservation Carpentry with experience in woodturning
- Providence College** – Providence, RI **Class of 2010**
Bachelor of Arts in Public and Community Service Studies

Workshops & Certificates

- Construction Supervisors License Currently Completing
Home Improvement Contractor Registration Current
OSHA 10-Hour Certification Nov 2014
Renovation, Repair, and Painting Certification Mar 2015
Weekend Welding Workshop – The Steel Yard, Providence, RI Oct 2013

Volunteering & Organizations

- Timber Framers Guild – Member Since 2015
American Association of Woodturners – Member Since 2015
WaterFire Providence Summer 2009
Hurricane Katrina Rebuilding trips '07, '08, '09 (2)

Skills & Hobbies

- Proficiency with SketchUp, Microsoft Office Suite, QuickBooks
Hobbies include amateur design (furniture and household items) involving woodwork and welding

- References and Portfolio available upon request -

Town of Franklin

Town Administrator
Tel: (508) 520-4949

Fax: (508) 520-4903



355 East Central Street
Franklin, Massachusetts 02038-1352

Memorandum

To: Town Council, School Committee, Finance Committee

From: Jeffrey Nutting, Town Administrator
Jamie Hellen, Deputy Town Administrator

RE: **FY20 Budget Forecast and Beyond**

As you know, the Town Council meeting on March 13th will be to discuss the fiscal challenges the Town faces for FY20 and beyond. The School Committee is scheduled to vote on a proposed school budget on March 12th. The Finance Committee will be beginning their FY20 budget review on March 18th.

Summary In a Nutshell

At this point in time, with final revenues still unknown, a "level service" municipal and school budget would require about an additional \$2,000,000 in revenue. "Level Service" budget is to provide the same level of services that are currently being provided this year.

The FY19 School budget funded by the town is \$63,235,000. The Superintendents FY 20 "level service" budget is \$65,921,000 or an increase of \$2,686,000 and the Superintendents revised recommended budget FY20 is \$66,826,115 or an increase of \$3,591,000. (See the attached memo's from the Superintendent.)

We are currently recommending an increase in the School budget of \$1,200,000 for the coming Fiscal Year 2020, starting on July 1st. Unfortunately, this means the school "level service" budget will be short by about approximately \$1,500,000 and the Superintendent's recommended budget by \$2,640,000.

It is important to note these numbers are still in flux due to final state budget numbers, charter school enrollment and health insurance figures.

Charter School Impacts

We do not have a clear revenue number yet due to the expansion of the charter school. They are projecting an increase of 258 students overall, from the current capacity of 450 to a maximum of 708 in FY20 and eventually phasing into a maximum capacity of 900 in future years. The Charter School will also be expanding eventually to K-12 from its current K-8 grades.

As of this letter, 212 Franklin students have applied from a pool of over 600 applications. A lottery will be held and the actual number will be known later in March. This will lead to an amended proposed state aid number that will be included in the House of Representatives budget, which generally is made public in mid-April.

Our current guess is that Charter School will divert about \$1,000,000 from our state aid. Since the final number is determined by a lottery, this estimate could go up or down based on the lottery and how many students who were accepted through the lottery and accept a seat. The funds for the Charter school are deducted from our Chapter 70 School aid amount. In total, the Town stands to lose local aid for education from the state budget this year, relative to this year.

The charter school funding issue has been a problem for years and the legislature has not yet properly addressed the issue. The bottom line is that the School budget will be less than what is needed to provide a level service budget, let alone the overall vision for the school district as outlined by the Superintendent and the School Committee. We have written to our legislative delegation for years regarding changing the state formula to be less punitive to public school districts, but the law has not changed in 26 years.

We will adjust our recommended school budget based on the House budget in April. The final state aid is not usually known until July and further adjustments can be made by the Council once the information is known.

The current revenue projections for future years do not provide the funds necessary to support municipal and school operations at its current level.

Fiscal Year 2021 (FY21)

An override will need to be considered for FY 21 to properly fund school and municipal services. There are currently a lot of moving parts, including but not limited to, the final FY20 state aid amount, future changes to the education funding formula (if any), continued growth in Franklin's population, aging population, school enrollment, increased demand on public services, just to name a few.

The bottom line is that virtually every department in town is seeing increased costs to do business and a substantial increase in demand for services. Every department has seen an uptick in requests for services from record breaking public safety calls to more demands on the DPW to maintain our property, fields and roads, higher facilities costs, more customers at the Senior Center and Library, let alone recruiting and retaining the best staff.

The amount of an override is not known at this time, but something in the \$4 - \$5 million dollar range may be needed to maintain appropriate school/municipal services next year. Again these figures will change once more information is available and the Council and School Committee can discuss the matter this fall.

We are happy to answer any questions and hope this meeting in March will begin a community wide discussion.

The Town has a website with all finance & budget related materials to stay in touch with the latest information: <https://www.franklinma.gov/town-budget>



Franklin Public Schools

Office of the Superintendent
355 East Central Street; Suite 3
Franklin, Massachusetts 02038
Phone: 508-553-4819

To: Franklin School Committee, Town Council, Finance Committee
From: Sara E. Ahern, Ed.D., Superintendent of Schools
Re: FY20 Budget Update
Date: March 6, 2019

I have been invited to share more about the FY20 School Department budget in advance of the Wednesday, March 13, 2019 Town Council meeting. At that meeting, the Town Administrator's office will be presenting the Town's Fiscal Forecast for both FY 20 and beyond. This meeting will continue the community's conversation about town finances, following the School Committee's Legislative Forum on Tuesday, February 5, 2019.

At its March 4, 2019 meeting, the School Committee's Budget Subcommittee, Miriam Goodman, and I discussed the following points related to Franklin Public Schools and our financial climate:

1. *Students Today:* Although FPS student enrollment is down, students are presenting with more complex needs than ever. While our overall student population has decreased, the percentage of students qualifying for free and reduced lunch in Franklin has doubled in ten years. We know that statistically 1 in 5 children is struggling from a mental health condition, most of which are going untreated. Additionally, we are seeing growing, more complex needs among our students who require specialized education services.
2. *Contemporary Education:* Our rapidly advancing, technologically rich, and globally interdependent world requires our students to have different and more sophisticated skills than in the past. In addition to traditional content, our curriculum has expanded to include new literacies emerging as a result of technology. Curriculum frameworks in all major subject areas have been revised and we anticipate the revision of others, including art, in the near future. We are renewed in our commitment to the development of Social-Emotional learning, which is needed now more than ever. And we are doing this all within the same school structure -- school year and school day -- as in the past. Our "Critical Needs" presentation highlights just some of the strategic investments that are needed in order for us to realize our meaningful district goals and meet student needs.
3. *Purpose of Schools:* Schools are increasingly being seen as broader social agencies, serving students and families in ways that extend far beyond basic education. The "wraparound services" we coordinate and offer are perfect examples. I highlight our Weekend Backpack program with the Franklin Food Pantry, our support of Project Interface (a community-wide resource for behavioral health services), and relationship with YOU, Inc. (a behavioral health agency) as three such services.
4. *Competitive Context:* School has now become a highly competitive marketplace. Currently, we are most concerned with the impact of the Charter School expansion but we also are cognizant of

"Destiny is not a matter of chance, it is a matter of choice"

Equal Opportunity Employer

students having other choices for high school as well as school choice into districts in nearby cities and towns. This decrease in enrollment siphons money away from the district, making it even harder to be competitive to keep and draw students to Franklin.

5. *Financial Picture*: The Foundation Budget Review Commission has pointed out the ways in which the state is not keeping up with an adequate education in the areas of special education, English language learners, health insurance, and low socio-economic status students. Additionally the Charter tuition assessment and reimbursement formula proposed in the Governor's budget is devastating to a community like Franklin. Furthermore, as a minimum aid community, we are only seeing small increases in the Chapter 70 allotment each year. Because of the Charter formula, we anticipate a *decrease* in funding this year. The state has not always fully funded Circuit Breaker, a critical resource that helps to mitigate the high cost of many special education services.
6. *Mitigation Strategies*: Over the past ten years, Franklin Public Schools has engaged in many strategies to operate in a fiscally responsible manner. Our in-district specialized programs are excellent in quality and have grown over time. As a result, we are able to retain students within our district who might otherwise be placed in out-of-district schools at a much higher financial cost. We are running more of our own vans for specialized transportation, saving on costly contracted services. There have been enrollment-driven reductions of positions across our schools, particularly at the elementary school level; although there have been reductions, elementary class sizes remain with School Committee guidelines. We employ technology, where helpful, to streamline processes and make them more effective. We have created partnerships within our community in order to leverage resources. There have been cuts to programs and services, some of which have shifted to a fee for service model through the Lifelong Learning Institute. User fees were instituted across the district for student activities, transportation, and athletics.
7. *Balancing FY 20*: It seems that the School Department's budget will not be fully supportable given the town's current fiscal climate, necessitating reductions. This was previewed during the budget development process as a gap that would need to be closed. Certainly no decisions have been made and there is still some uncertainty about state funding, but I believe I will find myself in a position of reluctantly recommending the following to the School Committee:
 - a. Reduction in expenses
 - b. Loss of positions and services
 - c. Examination of new revenues including fees and accepting school choice

I wish to also convey my grave concerns about the financial picture for FY 21.

The above points are not all inclusive, but highlight several main ideas. The School Committee will have an opportunity to discuss this at its meeting on March 12, 2019.



Franklin Public Schools

*Office of the Superintendent
355 East Central Street; Suite 3
Franklin, Massachusetts 02038
Phone: 508-553-4819*

To: Franklin School Committee
From: Sara E. Ahern, Ed.D., Superintendent of Schools
Re: School Committee FY 20 Budget
Date: March 6, 2019

The FY 20 School Committee budget was presented and discussed at the February 19, 2019 School Committee meeting and the public hearing was held on Tuesday, February 26, 2019. This budget came together over several months of meetings and discussions among the School Committee, Budget Subcommittee, and school administration.

This budget amounted to an allocation of \$67,076,078, (a 6.07% increase over FY 19), which included the funding of several areas of "Critical Need" in addition to a Level Service budget, as recommended during my presentation of the Superintendent's Recommended Budget on January 22, 2019. These Critical Needs areas include:

- Adjustment counselors (2.0 FTE) at the elementary school level
- Adjustment counselor (1.0 FTE) at the middle school level
- Kindergarten ESPs (6.0 FTE) at the elementary school level
- Two special education teachers (2.0 FTE) for IDEAS and STRIVE specialized programs at the middle school level
- Expansion of the NECC partner program at Parmenter Elementary School
- Two curriculum specialist positions (2.0 FTE) to support curriculum development PreK-8
- Four teaching positions (4.0 FTE) at Franklin High School to reduce class sizes
- A van driver for specialized transportation
- \$120,000 to recruit and retain classroom substitutes

The budget subcommittee met on Monday, March 4, 2019 to continue discussions related to the development of the FY 20 budget. As the budget is an iterative process, at that time, Miriam Goodman and I presented two updates to the subcommittee. One involved a revised figure regarding salaries, reducing that line item by \$124,963 and the other involved removing the expansion of the NECC partner program due to a change in anticipated student enrollment, reducing that line by \$125,000.

As a result, the budget subcommittee recommended that the School Committee consider a revised budget at the March 12, 2019 meeting. The revised budget is \$66,826,115, or a 5.68% increase over FY 19.

At the March 12, 2019 School Committee meeting, I recommend that the School Committee approve an FY 20 budget of \$66,826,115.



TOWN OF FRANKLIN

RESOLUTION 19-21

Acceptance of Gift – Franklin Fire Department

WHEREAS, The Franklin Fire Department will receive a generous donation not to exceed \$250 from the Singleton Family Foundation to be used for the continuing protection provided to the Franklin Community.

NOW THEREFORE, BE IT RESOLVED THAT:

The Town Council of the Town of Franklin on behalf of Franklin Fire Department gratefully accepts this generous donation to be used for the continuing protection provided to the Franklin Community and thanks the Singleton Family for their continued support and generosity.

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

DATED: , 2019

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: ____ **NO:** _____

ABSTAIN: ____ **ABSENT:** ____

RECUSED: _____

Teresa M. Burr
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

William D. Singleton, Jr.

94 Mastro Drive, Franklin, MA 02038

December 31, 2018

Dear Fire Department of Franklin,

Kindly accept our gift
of \$250.00 to the Franklin
Fire Department. We greatly
appreciate all that you do
to keep our community safe.
Thank you! Happy New Year!

Best Wishes,

Dan and Lee Singleton

THE SINGLETON FAM FOUNDATION

94 MASTRO DR.
FRANKLIN, MA 02038-4119

113

62-15/311
150

12/31/18

Date

Pay to the
Order of

Franklin Fire Department \$250.00

Two hundred fifty & 00/100 Dollars

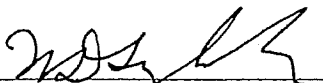
 Security
Features
Details on
Back.



The Bank of New York Mellon
1 Wall Street
New York, NY 10286

Schwab One®

For



MP

Town of Franklin

Town Administrator
Tel: (508) 520-4949

Fax: (508) 520-4903



355 East Central Street
Franklin, Massachusetts 02038-1352

February 21, 2019

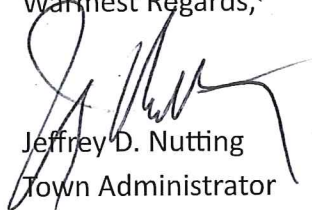
The Singleton Family Foundation
Attn: William D. Singleton, Jr.
94 Mastro Drive
Franklin, MA 02038

Dear Mr. Singleton,

On behalf of the Town of Franklin, I would like to thank you for your recent donation to the Franklin Fire Department.

We appreciate your generosity and find it gratifying that you have chosen to give back to the community. Please call if I can ever be of assistance.

Warmest Regards,



Jeffrey D. Nutting
Town Administrator

cc: Gary McCarraher, Fire Chief



TOWN OF FRANKLIN

RESOLUTION NO.: 19-22

APPROPRIATION: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4

TOTAL REQUESTED: \$185,237.09

PURPOSE: To appropriate \$185,237.09 from the PEG Access and Cable Related Fund created under MGL Ch. 44, §53F3/4, representing the amount received in the previous quarter, to be paid to Franklin Cable Access Corp. to operate the cable access studio and otherwise fund its operations.

MOTION

Be it Moved and Voted by the Town Council that the sum of \$185,237.09 be appropriated from the PEG Access and Cable Related Fund creates under MGL Ch. 44, §53F3/4, to be paid to Franklin Cable Access Corp. to operate the cable access studio and otherwise fund its operations.

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

DATED: _____, 2019

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: ____ **NO:** ____

ABSTAIN: ____ **ABSENT:** ____

RECUSED: _____

Teresa M. Burr
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

TOWN OF FRANKLIN

SCHEDULE OF DEPARTMENTAL PAYMENTS TO TREASURER

Turnover Number:

Department:

Date: February 19, 2019

ADMINISTRATION

123

FROM WHOM	DESCRIPTION	CODE	AMOUNT	TOTAL
	One Day Alcoholic Licenses	1AL123		
	One Day Beer/Wine Licenses	1BR123		
	Alcoholic Beverage Licenses	ALC123		
	Amusement Licenses	AMU123		
	Auctioneer Licenses	AUC123		
	Cable TV Franchise Fee	CAB123		
	Class II 2nd Hand Car Licenses	CAR123		
	Cable TV License	CBL123		
	Common Victual Licenses	CVC123		
	Permits - Administration	PER123		
	Rentals - Administration	REN123		
	Town Common - Gift	COM123		
	Cable Gift Revenues	123CBL		
	Recreation Improvements - Gift	REC123		
	Insurance Recovery	INS123		
	Transportation - Gift	TRN123		
	Welcome Sign - Gift	WEL123		
	Otherwise Unclassified Revenue - Other	UNC980		
	Downtown Manager - Gift Revenue	DTN177		
Fourth Quarter fees	Verizon Cable TV	VERCBL		\$ 9,177.67
TOTAL				\$ 9,177.67

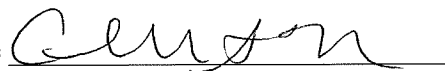
To the Town Accountant:

The above is a detailed list of moneys collected by me, amounting in the aggregate to:

*Nine Thousand One Hundred Seventy Seven dollars and Sixty Seven Cents*for the period ending February 19, 2019
Town Treasurer, whose receipt I hold therefor.

which I have paid to the

Signature



Chrissy Whelton, Administrative Assistant

PEG Grant Report 4th Quarter 2018

Town of Franklin

Verizon - JBA

Massachusetts

PEG Fee Rate:

0.500%

PEG GRANT

	October	November	December	Quarter Total
Monthly Recurring Cable Service Charges (e.g. Basic, Enhanced Basic, Premium and Equipment Rental)	\$536,817.98	\$534,625.79	\$527,918.72	\$1,599,362.49
Usage Based Charges (e.g. PayPer View, Installation)	\$22,073.91	\$22,433.10	\$23,162.19	\$67,669.20
Advertising	\$23,826.79	\$26,069.43	\$20,814.77	\$70,710.99
Home Shopping	\$888.39	\$968.25	\$1,088.88	\$2,945.52
Late Payment	\$0.00	\$0.00	\$0.00	\$0.00
Other Misc. (Leased Access & Other Misc.)	\$1,860.41	\$4,969.96	\$3,224.82	\$10,055.19
License Fee Billed	\$574.04	\$112.75	(\$0.89)	\$685.90
PEG Fee Billed	\$28,008.24	\$30,990.82	\$31,229.85	\$90,228.91
Less:				
Bad Debt	(\$458.17)	(\$3,437.82)	(\$2,227.62)	(\$6,123.61)
Total Receipts Subject to PEG Fee Calculation	\$613,591.59	\$616,732.29	\$605,210.72	\$1,835,534.60

Adjustment	\$0.00	\$0.00	\$0.00	\$0.00
PEG Grant	\$3,067.96	\$3,083.66	\$3,026.05	\$9,177.67

Verizon New England Inc. is hereby requesting that this information be treated as confidential and proprietary business information in accordance with the terms of the Cable Television Final License granted to Verizon New England Inc. This information is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided herein, would cause substantial harm to competitive position of Verizon in the highly competitive video marketplace if disclosed, is intended to be proprietary confidential business information and is treated by Verizon as such.

TOWN OF FRANKLIN

SCHEDULE OF DEPARTMENTAL PAYMENTS TO TREASURER

Turnover Number:

Department:

Date: February 20, 2019

ADMINISTRATION

123

FROM WHOM	DESCRIPTION	CODE	AMOUNT	TOTAL
	One Day Alcoholic Licenses	1AL123		
	One Day Beer/Wine Licenses	1BR123		
	Alcoholic Beverage Licenses	ALC123		
	Amusement Licenses	AMU123		
	Auctioneer Licenses	AUC123		
	Cable TV Franchise Fee	CAB123		
	Class II 2nd Hand Car Licenses	CAR123		
	Cable TV License	CBL123		
	Common Victual Licenses	CVC123		
	Permits - Administration	PER123		
	Rentals - Administration	REN123		
	Town Common - Gift	COM123		
	Cable Gift Revenues	123CBL		
	Recreation Improvements - Gift	REC123		
	Insurance Recovery	INS123		
	Transportation - Gift	TRN123		
	Welcome Sign - Gift	WEL123		
	Otherwise Unclassified Revenue - Other	UNC980		
	Downtown Manager - Gift Revenue	DTN177		
Fourth Quarter fees	Verizon Cable TV	VERCBL		\$ 91,776.73
TOTAL				\$ 91,776.73

To the Town Accountant:

The above is a detailed list of moneys collected by me, amounting in the aggregate to:

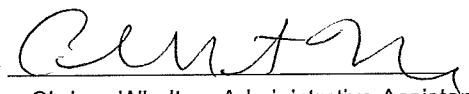
Ninty One Thousand Seven Hundred Seventy Six Dollars and Seventy Three Cents

for the period ending February 20, 2019

which I have paid to the

Town Treasurer, whose receipt I hold therefor.

Signature



Chrissy Whelton, Administrative Assistant

PEG Grant Report 4th Quarter 2018

Town of Franklin

Verizon - fBA

Massachusetts

PEG Fee Rate:

5.00%

PEG Operating Payment

	October	November	December	Quarter Total
Monthly Recurring Cable Service Charges (e.g. Basic, Enhanced Basic, Premium and Equipment Rental)	\$536,817.98	\$534,625.79	\$527,918.72	\$1,599,362.49
Usage Based Charges (e.g. PayPer View, Installation)	\$22,073.91	\$22,433.10	\$23,162.19	\$67,669.20
Advertising	\$23,826.79	\$26,069.43	\$20,814.77	\$70,710.99
Home Shopping	\$888.39	\$968.25	\$1,088.88	\$2,945.52
Late Payment	\$0.00	\$0.00	\$0.00	\$0.00
Other Misc. (Leased Access & Other Misc.)	\$1,860.41	\$4,969.96	\$3,224.82	\$10,055.19
License Fee Billed	\$574.04	\$112.75	(\$0.89)	\$685.90
PEG Fee Billed	\$28,008.24	\$30,990.82	\$31,229.85	\$90,228.91
Less:				
Bad Debt	(\$458.17)	(\$3,437.82)	(\$2,227.62)	(\$6,123.61)
Total Receipts Subject to PEG Fee Calculation	\$613,591.59	\$616,732.29	\$605,210.72	\$1,835,534.60

PEG Grant

\$30,679.58

\$30,836.61

\$30,260.54

\$91,776.73

Verizon New England Inc. is hereby requesting that this information be treated as confidential and proprietary business information in accordance with the terms of the Cable Television Final License granted to Verizon New England Inc. This information is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided herein, would cause substantial harm to competitive position of Verizon in the highly competitive video marketplace if disclosed, is intended to be proprietary confidential business information and is treated by Verizon as such.

file

TOWN OF FRANKLIN

SCHEDULE OF DEPARTMENTAL PAYMENTS TO TREASURER

Turnover Number:

Department:

Date: February 25, 2019

ADMINISTRATION

123

FROM WHOM	DESCRIPTION	CODE	AMOUNT	TOTAL
	One Day Alcoholic Licenses	1AL123		
	One Day Beer/Wine Licenses	1BR123		
	Alcoholic Beverage Licenses	ALC123		
	Amusement Licenses	AMU123		
	Auctioneer Licenses	AUC123		
	Cable TV Franchise Fee	CAB123		
	Class II 2nd Hand Car Licenses	CAR123		
	Cable TV License	CBL123		
	Common Victual Licenses	CVC123		
	Permits - Administration	PER123		
	Rentals - Administration	REN123		
	Town Common - Gift	COM123		
	Cable Gift Revenues	123CBL		
	Recreation Improvements - Gift	REC123		
	Insurance Recovery	INS123		
	Transportation - Gift	TRN123		
	Welcome Sign - Gift	WEL123		
	Otherwise Unclassified Revenue - Other	UNC980		
	Downtown Manager - Gift Revenue	DTN177		
Fourth Quarter fees	Comcast Cable TV	VERCBL		\$ 84,282.69
TOTAL				\$ 84,282.69

To the Town Accountant:

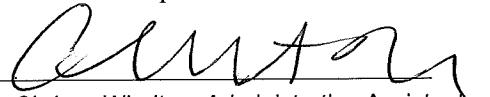
The above is a detailed list of moneys collected by me, amounting in the aggregate to:

Eighty Four Thousand Two Hundred Eighty Two Dollars and Sixty Nine Cents

for the period ending February 25, 2019
Town Treasurer, whose receipt I hold therefor.

which I have paid to the

Signature


Chrissy Whelton, Administrative Assistant



System Name: Comcast of Massachusetts II, Inc.
 Email: Patrick_Moore@cable.comcast.com
 Phone: 610-665-2575

Vendor ID:	150328
Contract Name:	Franklin MA
Statement Period:	Oct - Dec, 2018
Payment Amount:	\$84,282.69
Statement Number:	547389
CUID:	MA0152
System ID:	8773-1000-0160

FRANKLIN TOWN OF MA
 355 EAST CENTRAL STREET

 FRANKLIN, MA, 02038

This statement represents your payment for the period listed above.

Revenue Category	Amount
Expanded Basic Video Service	\$461,053.54
Limited Basic Video Service	\$258,293.82
Digital Video Service	\$412,340.61
Pay	\$259,766.50
PPV / VOD	\$67,595.44
Digital Video Equipment	\$78,813.39
Video Installation / Activation	\$7,643.83
Franchise Fees	\$84,509.49
PEG Fees	\$9,624.68
State Assessment	\$2,882.88
Guide	\$116.98
Other	\$6,252.58
Late Fees	\$2,985.93
Write-offs / Recoveries	(\$1,087.86)
Ad Sales	\$97,334.18
Home Shopping Commissions	\$7,764.88
Total	\$1,755,890.87
Franchise Fee %	4.80 %
Franchise Fee	\$84,282.69

To the best of my knowledge and belief, the above is a true and correct statement for the accounting of the gross revenues received by this corporation for the period.

CM

 Chad Mackey
 Sr. Analyst



Sponsor: Administrator

TOWN OF FRANKLIN

RESOLUTION 19-23

Authority for Town Administrator to Settle Pending Litigation Against Town and Payment Appropriation

WHEREAS, SUNEDISON, INC., which previously owned a commercial solar facility in Franklin has filed for bankruptcy under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York: Case No. 16-10992 (SMB) and SUNEDISON Litigation Trust has filed a claim in said proceedings against the Town of Franklin seeking its repayment of \$73,665, more or less, which Town previously received from SUNEDISON, INC., and

WHEREAS, Town has retained outside legal counsel to defend it against said claim and legal counsel has negotiated a proposed settlement of \$27,500, and

WHEREAS, Franklin Town Code Chapter 4 Administration of Government Article II Administrator Section 4-4 provides that any settlement in excess of \$5,000 requires a Town Council authorizing vote, and

WHEREAS, there are sufficient funds available in certified free cash to pay said settlement

NOW THEREFORE, THE TOWN COUNCIL be it voted by the Franklin Town Council that:

1. The Town Administrator is hereby authorized to settle SUNEDISON, INC's/SUNEDISON Litigation Trust's above described claim against Town for \$27,500 and further the Town Administrator is authorized to execute any and all documents and to take any and all action necessary to finalize said settlement.
2. The Sum of \$27,500 is hereby appropriated from certified free cash to pay the settlement described in paragraph one.

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

DATED: _____, 2019

VOTED:
UNANIMOUS _____

YES _____ NO _____

A True Record Attest:

ABSTAIN _____

ABSENT _____

RECUSED _____

Teresa M. Burr
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

The COLE SCHOTZ P.C.
1325 Avenue of the Americas, 19th Floor
New York, New York 10019
Telephone: (212) 752-8000
Facsimile: (212) 752-8393
David R. Hurst
Daniel F.X. Geoghan

Counsel to the SunEdison Litigation Trust

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

SUNEDISON, INC., *et al.*,

Reorganized Debtors.¹

Chapter 11

Case No. 16-10992 (SMB)

(Jointly Administered)

SUNEDISON LITIGATION TRUST,

Plaintiff,

– against –

Adv. Pro. No. 18-01183 (SMB)

TOWN OF FRANKLIN,

Defendant.

¹ The Reorganized Debtors in these chapter 11 cases, along with the last four digits of each Reorganized Debtor's tax identification number, are as follows: SunEdison, Inc. (5767); SunEdison DG, LLC (N/A); SUNE Wind Holdings, Inc. (2144); SUNE Hawaii Solar Holdings, LLC (0994); First Wind Solar Portfolio, LLC (5014); First Wind California Holdings, LLC (7697); SunEdison Holdings Corporation (8669); SunEdison Utility Holdings, Inc. (6443); SunEdison International, Inc. (4551); SUNE ML 1, LLC (3132); MEMC Pasadena, Inc. (5238); Solaicx (1969); SunEdison Contracting, LLC (3819); NVT, LLC (5370); NVT Licenses, LLC (5445); Team-Solar, Inc. (7782); SunEdison Canada, LLC (6287); Enflex Corporation (5515); Fotowatio Renewable Ventures, Inc. (1788); Silver Ridge Power Holdings, LLC (5886); SunEdison International, LLC (1567); Sun Edison LLC (1450); SunEdison Products Singapore Pte. Ltd. (7373); SunEdison Residential Services, LLC (5787); PVT Solar, Inc. (3308); SEV Merger Sub Inc. (N/A); Sunflower Renewable Holdings 1, LLC (6273); Blue Sky West Capital, LLC (7962); First Wind Oakfield Portfolio, LLC (3711); First Wind Panhandle Holdings III, LLC (4238); DSP Renewables, LLC (5513); Hancock Renewables Holdings, LLC (N/A); EverStream HoldCo Fund I, LLC (9564); Buckthorn Renewables Holdings, LLC (7616); Greenmountain Wind Holdings, LLC (N/A); Rattlesnake Flat Holdings, LLC (N/A); Somerset Wind Holdings, LLC (N/A); SunE Waiawa Holdings, LLC (9757); SunE Minnesota Holdings, LLC (8926); SunE MN Development Holdings, LLC (5388); SunE MN Development, LLC (8669); Terraform Private Holdings, LLC (5993); Hudson Energy Solar Corporation (3557); SunE REIT-D PR, LLC (5519); SunEdison Products, LLC (4445); SunEdison International Construction, LLC (9605); Vaughn Wind, LLC (4825); Maine Wind Holdings, LLC (1344); First Wind Energy, LLC (2171); First Wind Holdings, LLC (6257); and EchoFirst Finance Co., LLC (1607). The address of the Reorganized Debtors' corporate headquarters is Two CityPlace Drive, 2nd floor, St. Louis, MO 63141.

**STIPULATION BY AND BETWEEN SUNEDISON LITIGATION TRUST
AND TOWN OF FRANKLIN COMPROMISING AND SETTLING CLAIMS
ARISING UNDER SECTIONS 547, 548 AND 550 OF THE BANKRUPTCY CODE**

The SunEdison Litigation Trust (the “**Litigation Trust**”) and Town of Franklin (the “**Defendant**”) hereby enter into this stipulation (the “**Stipulation**”) and agree as follows:

RECITALS

WHEREAS, beginning on April 21, 2016 (the “**Petition Date**”), SunEdison, Inc. and certain of its affiliates and subsidiaries (collectively, the “**Debtors**”) filed with the United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”) voluntary petitions for relief under chapter 11 of title 11 of United States Code, 11 U.S.C. § 101, *et seq.* (the “**Bankruptcy Code**”); and

WHEREAS, on March 28, 2017, the Debtors filed their Joint Plan of Reorganization of SunEdison, Inc. and its Debtor Affiliates [Docket No. 2671] (as amended from time to time, the “**Plan**”); and

WHEREAS, on July 28, 2017, the Court entered the Findings of Facts, Conclusions of Law and Order Confirming Second Amended Plan of Reorganization of SunEdison, Inc. and its Debtor Affiliates [Docket No. 3735] (the “**Confirmation Order**”), thereby approving the Plan and the GUC/Litigation Trust Agreement (the “**Litigation Trust Agreement**”); and

WHEREAS, on December 29, 2017, the Plan became effective [Docket No. 4495] (the “**Plan Effective Date**”); and

WHEREAS, on the Plan Effective Date, all of the Debtors’ rights, title and interests in the Avoidance Actions (as that term is defined in the Plan), including the claims and

causes of action asserted by the Litigation Trust against Defendant, were transferred to the Litigation Trust; and

WHEREAS, on the Plan Effective Date, Drivetrain, LLC was appointed as the trustee (the "**Litigation Trustee**") for the Litigation Trust; and

WHEREAS, pursuant to Section 7.6(b) of the Plan, the Litigation Trust is authorized to settle, release and compromise the Avoidance Actions without further approval of the Bankruptcy Court; and

WHEREAS, on or about April 9, 2018, the Litigation Trust filed Adv. Pro. No. 18-01183 (SMB) (the "**Complaint**"), thereby seeking to avoid and recover certain transfers identified in the Complaint as preferences and/or constructively fraudulent transfers made by the Debtors to Defendant (the "**Transfers**"); and

WHEREAS, Defendant asserts that the Transfers alleged in the Complaint are not avoidable; and

WHEREAS, the Litigation Trust has concluded that the compromise and settlement embodied herein is in the best interests of the beneficiaries of the Litigation Trust, considering, among other things, the cost, expense and delay associated with litigating the disputed matters and issues, the result of which is uncertain.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Litigation Trust and Defendant:

STIPULATION

1. Defendant shall: (i) deliver an executed copy of this Stipulation to Cole Schotz P.C. at the address set forth on the signature page of this Stipulation; and (ii) transmit payment in the amount of \$27,500 (the "**Settlement Amount**"), as follows: (a) by check, made

payable to the SunEdison Litigation Trust, and delivered to Cole Schotz P.C. at the address set forth on the signature page of this Stipulation, or (b) by wire, using the wire instructions set forth immediately below (with evidence of such wire transfer being sent to dhurst@coleschotz.com):

Beneficiary:	SunEdison Litigation Trust
Account Address:	630 3rd Avenue, 21 FL c/o Drivetrain, LLC New York, NY 10017
Account No.:	2469708032
Routing No.:	121000248
SWIFT Code:	WFBIUS6S
Bank Name:	Wells Fargo Private Bank

2. Upon (i) execution and delivery of this Stipulation and (ii) timely and complete payment of the Settlement Amount, both in the manner set forth in the preceding paragraph, this Stipulation shall become fully effective (the “**Settlement Effective Date**”); provided, however, that if the Settlement Effective Date does not occur within fifteen (15) days after execution of this Stipulation by the Litigation Trust and delivery of this Stipulation to Defendant, this Stipulation shall become null and void.

3. On the Settlement Effective Date, the Litigation Trust shall be deemed to have waived and released any and all claims and causes of action that it may have against Defendant arising under sections 502(d), 547, 548 and 550 of the Bankruptcy Code relating to the Transfers alleged in the Complaint.

4. On the Settlement Effective Date, Defendant shall be deemed to have waived and released any and all claims and causes of action that it may have against the Debtors and the Litigation Trust relating to the Transfers alleged in the Complaint, including any claim arising under section 502(h) of the Bankruptcy Code for, or on account of, its payment of the Settlement Amount.

5. Defendant shall not file any proofs of claim in the Debtors' chapter 11 cases in connection with payment of the Settlement Amount, and any such claim shall be deemed immediately expunged without any further order of the Bankruptcy Court.

6. On the Settlement Effective Date, any filed or scheduled claims by or in favor of Defendant shall be deemed immediately expunged on the claims register maintained in these chapter 11 cases.

7. Within fourteen (14) days after the Settlement Effective Date, the Litigation Trust shall cause the Complaint to be dismissed and discontinued, with prejudice, with all parties to bear their own costs, including attorney's fees and expenses.

8. The terms and provisions of this Stipulation shall be kept strictly confidential by the parties hereto and shall not be disclosed to any persons or entities who are not a party to this Stipulation. Notwithstanding the foregoing, the terms and provisions of this Stipulation may be disclosed by the parties on an as needed basis to their respective directors, officers, members, employees and professionals, or as may otherwise be required by law, or pursuant to a court order, or pursuant to a validly served subpoena, or as is needed to enforce the terms and provisions of this Stipulation. For the avoidance of doubt, any party's directors, officers, members, employees or professionals receiving a copy of this Stipulation shall be bound by the Stipulation's confidentiality provisions and shall not disclose the terms and provisions of this Stipulation except as permitted in this paragraph.

9. This Stipulation is the entire agreement and understanding of the parties. All prior understandings, terms or conditions, written, oral, express or implied, are superseded by this Stipulation.

10. This Stipulation may be executed in multiple counterparts, each of which shall be deemed to be an original, but all of which together will constitute one and the same agreement. Facsimile and electronically-transmitted signatures shall have the same force and effect as original signatures. The Stipulation of Settlement shall be binding upon and shall inure to the benefit of the parties hereto and their legal representatives, predecessors, successors and assigns.

11. It is expressly understood and agreed that the terms hereof, including the recital paragraphs and headings, are contractual and that the agreement herein contained and the consideration contemplated hereby is to compromise disputed claims and avoid litigation, and that no statement made herein, payment, or release or other consideration given shall be construed as an admission by any of the parties hereto of any kind or nature.

[Remainder of Page Intentionally Left Blank]

12. Each party and signatory to this Stipulation represents and warrants to each other party hereto that such party or signatory has full power, authority and legal right and has obtained all approvals and consents necessary, to execute, deliver and perform all actions required under this Stipulation.

Dated: New York, New York
March __, 2019

SUNEDISON LITIGATION TRUST

By its Counsel,
COLE SCHOTZ P.C.

By:

David R. Hurst
Daniel F.X. Geoghan
1325 Avenue of the Americas
19th Floor
New York, New York 10019
Telephone: (212) 752-8000

Dated: New York, New York
March __, 2019

TOWN OF FRANKLIN

By its Counsel:
TEITELBAUM LAW GROUP, LLC

By:

Jay Teitelbaum
1 Barker Avenue
3rd Floor
White Plains, New York 10601
Telephone: (914) 437-7670

OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

DATE: March 6, 2019
TO: Town Council
FROM: Jeffrey D. Nutting, Town Administrator
Jamie Hellen, Deputy Town Administrator
RE: Norfolk Agricultural School Supplemental Appropriation FY19

We estimate the Annual Assessment based on potential enrollment from the Agricultural School every year. When the bill arrives we make adjustments. We are asking the Council to approve this resolution to transfer \$4,934 to Free Cash.



TOWN OF FRANKLIN

RESOLUTION NO.: 19-24

APPROPRIATION: Norfolk Aggie Supplemental Appropriation FY 19

TOTAL REQUESTED: \$ 4,934

PURPOSE: To appropriate funds from Free Cash to cover a shortfall to the below named account:

01395700 Norfolk Aggie Regional School Assessment \$ 4,934

MOTION

Be It Moved and Voted by the Town Council that the sum of Four Thousand Nine Hundred and Thirty-Four Dollars (\$ 4,934) be transferred from Free Cash to the above named account.

DATED: _____, 2019

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

RECUSED _____

A True Record Attest:

Teresa M. Burr
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

TO: FRANKLIN TOWN COUNCIL
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: MIXED BUSINESS INNOVATION ZONING DISTRICT
FISHER AND HAYWARD STREETS
CC: JEFFREY D. NUTTING, TOWN ADMINISTRATOR; JAMIE HELLEN, DEPUTY TOWN
ADMINISTRATOR; MARK CEREL, TOWN ATTORNEY; AMY LOVE, PLANNER
DATE: FEBRUARY 6, 2019

Before Town Council on February 13th are six Zoning Bylaw Amendments, 19-829 through 19-834. The first four Amendments (19-829 - 19-832) establish zoning regulation for a new Mixed Business Innovation (MBI) Zoning District; the last two (19-833 and 19-834) rezone seven parcels on Hayward and Fisher Streets from Industrial (I) to the proposed Mixed Business Innovation (MBI) Zoning District.

The neighborhood proposed for rezoning includes the former Clark Cutler & McDermott property, and several adjacent industrially-zoned parcels that are either in need of redevelopment or are currently being utilized for non-Industrial uses. Rezoning the seven parcels to the new MBI Zoning District will increase the likelihood these properties will be redeveloped. The zoning regulations would permit continued medium and light manufacturing and warehouse/distribution uses, while allowing a much greater number of additional commercial uses.

Below is a quick summary of the six Zoning Bylaw Amendments.

Zoning Bylaw Amendment 19-829: Districts Enumerated. Creation of Mixed Business Innovation Zoning District. The Amendment creates the Mixed Business Innovation (MBI) Zoning District by adding its name and a description of intent to §185-4 of the Zoning Bylaw.

Zoning Bylaw Amendment 19-830: Mixed Business Innovation Zone Use Regulations. The Amendment adds the MBI Zoning District to the Use Regulations Schedule in Attachments 2 through 8 of the Zoning Bylaw. Heavy industrial uses and residential uses will not be permitted. In addition to adding a column for the MBI district to the Use Regulations Schedule, the Amendment adds three uses to the Use Regulations Schedule, and adds two notes, one related to stand-alone retail and restaurants, and the other prohibits certain hazardous materials.

Zoning Bylaw Amendment 19-831: Mixed Business Innovation Zone Dimensional Regulations. The Amendment adds the MBI Zoning District to the Schedule of Lot, Area, Frontage, Yard and Height Requirements in Attachment 9. Dimensional regulations for the proposed MBI Zoning District are the same as the current Industrial Zoning District with one exception. The MBI Zoning District would have a maximum building height of 50 feet by

Planning Board special permit, which is the same as allowed in the Business, Commercial I, and Commercial II Zoning Districts.

Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs, Mixed Business Innovation Zoning District. The Amendment adds the new Mixed Business Innovation Zoning District to the Commercial and Business Corridor (CBC) Sign District.

Zoning Map Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation an Area on or near Fisher and Hayward Streets. The Amendment changes seven parcels along Fisher and Hayward Streets from the Industrial Zoning District to the new MBI Zoning District.

Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District. The Amendment updates the Sign District Overlay Map to reflect the Zoning Map changes in Zoning Map Amendment 19-833 above.

Town of Franklin

Town Administrator
Tel: (508) 520-4949



Fax: (508) 520-4903

355 East Central Street
Franklin, Massachusetts 02038-1352

Date: December 13, 2018

To: Town Council

From: Jamie Hellen

Re: Clark, Cutler, McDermott property and neighborhood Rezone

The following zoning bylaw amendment is to rezone the Clark, Culter, McDermott property and some adjacent properties from Industrial to a new zone called "Mixed Business Innovation District". The action requested of the Council tonight is to refer the zoning amendments to the Planning Board for a public hearing. The EDC voted 3-1 to refer this proposal to the full Council.

The Mixed Business Innovation District definition would expand the amount of uses substantially. The Mixed Business Innovation District (MBI) is intended primarily for a mix of light Industrial and Commercial uses in an older industrial neighborhood. A strong emphasis is placed on encouraging reuse and redevelopment of older manufacturing and warehouse buildings, providing for a wide range of light industrial, commercial, cultural, institutional, or entertainment uses, including business incubator, co-working space, studio space, artisanal or craft maker space, art galleries, public art, performance venues, restaurants, cafes and retail that create and support a diverse economically and culturally rich environment. Residential uses and heavy manufacturing uses are not allowed.

The district would constrict the current Industrial uses by taking out heavy manufacturing and hazmat and chemical related uses to reduce heavy traffic, noise and dangerous chemicals from any potential reuse on that site.

Given the great residential neighborhoods around downtown, and the new units on Dean Ave and throughout the Alpine neighborhood, we see a need for additional commercial activity for amenities in downtown. The Planning Department has spoken to all of the property owners affected (except one) and they support this concept. Also, the Downtown Partnership supports this zoning concept.

The Clark, Cutler, McDermott property is currently in bankruptcy court. As of this date, there are potential buyers who have made offers and are working through the court proceedings and with General Motors on the final price. The Trustees of the property are aware of this zoning proposal and are very much in favor of the concept, and "it's the right thing to do".

See attached planning department memo for specifics. Please feel free to call with any questions.

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 19-829
CREATION OF MIXED BUSINESS INNOVATION ZONING DISTRICT
A ZONING BY-LAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT
CHAPTER 185, SECTION 4, DISTRICTS ENUMERATED**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by **adding** text at §185-4. Districts Enumerated as follows:

Add to the end of §185-4.A a line stating:

Mixed Business Innovation (MBI)

Add to the end of §185-4.C a paragraph stating:

(15) The Mixed Business Innovation District (MBI) is intended primarily for a mix of light industrial and commercial uses in an older industrial neighborhood. A strong emphasis is placed on encouraging reuse and redevelopment of older manufacturing and warehouse buildings, providing for a wide range of light industrial, commercial, cultural, institutional, or entertainment uses, including business incubator, co-working space, studio space, artisanal or craft maker space, art galleries, public art, performance venues, restaurants, cafes and retail that create and support a diverse economically and culturally rich environment. Residential uses and heavy manufacturing uses are not allowed.

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: _____, 2019

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

**Teresa M. Burr
Town Clerk**

ABSENT _____

Glenn Jones, Clerk

Town of Franklin



TOWN OF FRANKLIN
TOWN CLERK

2019 JAN 16 A 11:03

RECEIVED

Planning Board

The following notice will be published in the Milford Daily Newspaper on
Monday, January 21, 2019 and again on Monday, January 28, 2019

In accordance with the provisions of M.G.L. Chapter 40A, Section 5, notice is hereby given that the Planning Board will hold a Public Hearing on February 4, 2019 at 6:00PM and the Town Council will hold a Public Hearing on February 13, 2019 at 7:10 PM in the Town Council Chambers of the Municipal Building, 355 East Central Street, to consider amending the Code of the Town of Franklin as follows:

TOWN OF FRANKLIN ZONING BY-LAW AMENDMENTS

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT: The Code of the Town of Franklin is hereby amended by making the following amendments:

Zoning Bylaw Amendment 19-829: Changes to §185-4 Districts Enumerated. Creation of Mixed Business Innovation Zoning District

Zoning Bylaw Amendment 19-830: Changes to §185 Attachments 2 through 8. Mixed Business Innovation Zone Use Regulations

Zoning Bylaw Amendment 19-831: Changes to §185 Attachments 9. Mixed Business Innovation Zone Dimensional Regulations

Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs. Mixed Business Innovation Zoning District

Zoning Map Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation an Area on or near Fisher and Hayward Streets

Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District

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.

The zoning changes, regulations and overlay map of said amendments may be reviewed in the Department of Planning and Community Development during normal business hours (Monday, Tuesday and Thursday - 8:00 AM to 4:00 PM, Wednesday - 8:00 AM to 6:00 PM, and Friday - 8:00 AM to 1:00 P.M).

Please contact the Department of Planning & Community Development at 508-520-4907 if you require further information or if you need to make arrangements to provide translation services for the hearing impaired or for persons with language barriers.

Anthony Padula, Chairman
Franklin Planning Board

Thomas Mercer, Chairman
Franklin Town Council

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

TO: FRANKLIN TOWN COUNCIL
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: MIXED BUSINESS INNOVATION ZONING DISTRICT
FISHER AND HAYWARD STREETS
CC: JEFFREY D. NUTTING, TOWN ADMINISTRATOR; JAMIE HELLEN, DEPUTY TOWN
ADMINISTRATOR; MARK CEREL, TOWN ATTORNEY; AMY LOVE, PLANNER
DATE: FEBRUARY 6, 2019

Before Town Council on February 13th are six Zoning Bylaw Amendments, 19-829 through 19-834. The first four Amendments (19-829 - 19-832) establish zoning regulation for a new Mixed Business Innovation (MBI) Zoning District; the last two (19-833 and 19-834) rezone seven parcels on Hayward and Fisher Streets from Industrial (I) to the proposed Mixed Business Innovation (MBI) Zoning District.

The neighborhood proposed for rezoning includes the former Clark Cutler & McDermott property, and several adjacent industrially-zoned parcels that are either in need of redevelopment or are currently being utilized for non-Industrial uses. Rezoning the seven parcels to the new MBI Zoning District will increase the likelihood these properties will be redeveloped. The zoning regulations would permit continued medium and light manufacturing and warehouse/distribution uses, while allowing a much greater number of additional commercial uses.

Below is a quick summary of the six Zoning Bylaw Amendments.

Zoning Bylaw Amendment 19-829: Districts Enumerated. Creation of Mixed Business Innovation Zoning District. The Amendment creates the Mixed Business Innovation (MBI) Zoning District by adding its name and a description of intent to §185-4 of the Zoning Bylaw.

Zoning Bylaw Amendment 19-830: Mixed Business Innovation Zone Use Regulations. The Amendment adds the MBI Zoning District to the Use Regulations Schedule in Attachments 2 through 8 of the Zoning Bylaw. Heavy industrial uses and residential uses will not be permitted. In addition to adding a column for the MBI district to the Use Regulations Schedule, the Amendment adds three uses to the Use Regulations Schedule, and adds two notes, one related to stand-alone retail and restaurants, and the other prohibits certain hazardous materials.

Zoning Bylaw Amendment 19-831: Mixed Business Innovation Zone Dimensional Regulations. The Amendment adds the MBI Zoning District to the Schedule of Lot, Area, Frontage, Yard and Height Requirements in Attachment 9. Dimensional regulations for the proposed MBI Zoning District are the same as the current Industrial Zoning District with one exception. The MBI Zoning District would have a maximum building height of 50 feet by

Planning Board special permit, which is the same as allowed in the Business, Commercial I, and Commercial II Zoning Districts.

Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs, Mixed Business Innovation Zoning District. The Amendment adds the new Mixed Business Innovation Zoning District to the Commercial and Business Corridor (CBC) Sign District.

Zoning Map Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation an Area on or near Fisher and Hayward Streets. The Amendment changes seven parcels along Fisher and Hayward Streets from the Industrial Zoning District to the new MBI Zoning District.

Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District. The Amendment updates the Sign District Overlay Map to reflect the Zoning Map changes in Zoning Map Amendment 19-833 above.

Town of Franklin

Town Administrator
Tel: (508) 520-4949



Fax: (508) 520-4903

355 East Central Street
Franklin, Massachusetts 02038-1352

Date: December 13, 2018

To: Town Council

From: Jamie Hellen

Re: Clark, Cutler, McDermott property and neighborhood Rezone

The following zoning bylaw amendment is to rezone the Clark, Culter, McDermott property and some adjacent properties from Industrial to a new zone called "Mixed Business Innovation District". The action requested of the Council tonight is to refer the zoning amendments to the Planning Board for a public hearing. The EDC voted 3-1 to refer this proposal to the full Council.

The Mixed Business Innovation District definition would expand the amount of uses substantially. The Mixed Business Innovation District (MBI) is intended primarily for a mix of light Industrial and Commercial uses in an older industrial neighborhood. A strong emphasis is placed on encouraging reuse and redevelopment of older manufacturing and warehouse buildings, providing for a wide range of light industrial, commercial, cultural, institutional, or entertainment uses, including business incubator, co-working space, studio space, artisanal or craft maker space, art galleries, public art, performance venues, restaurants, cafes and retail that create and support a diverse economically and culturally rich environment. Residential uses and heavy manufacturing uses are not allowed.

The district would constrict the current Industrial uses by taking out heavy manufacturing and hazmat and chemical related uses to reduce heavy traffic, noise and dangerous chemicals from any potential reuse on that site.

Given the great residential neighborhoods around downtown, and the new units on Dean Ave and throughout the Alpine neighborhood, we see a need for additional commercial activity for amenities in downtown. The Planning Department has spoken to all of the property owners affected (except one) and they support this concept. Also, the Downtown Partnership supports this zoning concept.

The Clark, Cutler, McDermott property is currently in bankruptcy court. As of this date, there are potential buyers who have made offers and are working through the court proceedings and with General Motors on the final price. The Trustees of the property are aware of this zoning proposal and are very much in favor of the concept, and "it's the right thing to do".

See attached planning department memo for specifics. Please feel free to call with any questions.

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 19-830
MIXED BUSINESS INNOVATION ZONE USE REGULATIONS
A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, USE REGULATION SCHEDULE PART I THROUGH PART VII**

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 2 through Attachment 8 Use Regulations Schedule Part I through Part VII:

185 Attachment 2
USE REGULATION SCHEDULE
PART I

Symbols in the Use Regulations Schedule shall mean the following:

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

Principal Uses	District														
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O	<u>MBI</u>
1. Agriculture, horticulture and floriculture															
1.1 Nursery, greenhouse	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	<u>N</u>
1.2 Produce stand ¹	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	<u>N</u>
1.3 Other, parcel of 5 or more acres	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
1.4 Other, parcel under 5 acres:															
a. With swine or fur-bearing animals for commercial use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
b. With other livestock or poultry	Y ²	Y ²	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
c. With no livestock	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	<u>N</u>
1.5 Garden Center, Retail or Wholesale	PB	PB	PB	PB	PB	PB	PB	PB	Y	N	Y	PB	PB	PB	<u>PB</u>

NOTES:

- 1 For sale of produce raised or grown on the premises by the owner or lessee thereof.
- 2 Provided that any building or structure is at least 100 feet from the nearest street or property line.

185 Attachment 3
USE REGULATION SCHEDULE
PART II

Symbols in the Use Regulations Schedule shall mean the following:

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

Principal Uses	District														
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O	MBI
2. Commercial															
2.1 Adult entertainment establishment	N	N	N	N	N	N	N	N	N	N	N	N ²	N	N	<u>N</u>
2.2 Animal kennel, hospital	BA	BA	BA	BA	BA	BA	N	BA	BA	N	BA	BA	BA	BA	<u>N</u>
2.21 Animal day care, training	BA	BA	BA	BA	BA	BA	N	BA	BA	N	BA	BA	BA	BA	<u>N</u>
2.22 Animal grooming	BA	BA	BA	BA	BA	BA	N	Y	BA	Y	BA	BA	BA	BA	<u>N</u>
2.3 Office, excluding office parks:															
a. Bank or credit union	N	N	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y	Y	<u>N</u>
b. Medical or dental	PB	PB	PB	PB	PB	N	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	<u>P/SP</u>
c. Professional	PB	PB	PB	PB	PB	N	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	<u>P/SP</u>
d. Clerical, or administrative	N	N	N	PB	PB	N	Y ⁶	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
2.4 Funeral home, undertaking	N	N	N	N	N	P/SP	N	P/SP	P/SP	P/SP	P/SP	N	N	N	<u>N</u>
2.5 Hotel, motel	N	N	N	N	N	N	N	PB	PB	Y	PB	PB	PB	PB	<u>N</u>
2.6 Motor vehicle, boat, farm implement sales; rental and leasing:															
a. With repair service	N	N	N	N	N	N	N	N	PB	N	N	N	N	N	<u>N</u>
b. Without repair service	N	N	N	N	N	N	N	N	PB	N	PB	N	N	N	<u>N</u>
c. Other	N	N	N	N	N	N	N	N	PB	N	N	N	N	N	<u>N</u>
2.7 Motor vehicle service, repair:															
a. Auto body, painting, soldering, welding	N	N	N	N	N	N	N	N	PB	N	N	PB	N	N	<u>N</u>
b. Filling or service station	N	N	N	N	N	N	N	PB	PB	N	PB	PB	N	N	<u>N</u>
c. Other	N	N	N	N	N	N	N	PB	PB	N	PB	PB	N	N	<u>N</u>
2.8 Parking															
a. Parking facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
b. Off-street parking	N	N	N	N	N	N	N	N	N	PB	N	N	N	N	<u>N</u>
2.9 Restaurant, bar	N	N	N	N	N	<u>N</u>	N	P/SP ³	P/SP	P/SP ³	P/SP	PB	N ⁴	PB	<u>Y⁸</u>

185 Attachment 3
USE REGULATION SCHEDULE
PART II (Continued)

Principal Uses	District														
	RRI RV I	RRII RV II	SFR III	SFR IV	GRV	NC	RB	CI	CII	DC	B	I	LI	O	MBI
2.10 Shopping center	N	N	N	N	N	N	N	PB	PB	N	PB	N	N	N	<u>N</u>
2.11 Storage facility	N	N	N	N	N	N	N	N	N	N	N	PB	N	N	<u>N</u>
2.12 Tattoo parlor/body-piercing studio	N	N	N	N	N	N	N	N	N	N	N	PB	N	N	<u>N</u>
2.13 Tourist home	PB	PB	P/SP	P/SP	P/SP	N	P/SP	P/SP	N	P/SP	N	N	N	N	<u>N</u>
2.14 Office park	N	N	N	N	PB	N	PB	PB	N	PB	PB	PB	N	Y	<u>PB</u>
2.15 Other retail sales, services															
a. General	N	N	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	N ⁴	N ⁴	N ⁴	<u>Y⁸</u>
b. Personal	N	N	N	N	N	P/SP ⁵	N ⁴	P/SP	P/SP	P/SP	P/SP	N ⁴	N ⁴	N ⁴	<u>Y⁸</u>
c. Other	N	N	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	N ⁴	N ⁴	N ⁴	<u>Y⁸</u>
2.16 Vehicular service establishment	N	N	N	N	N	N	N	PB	PB	PB	PB	N	N	N	<u>N</u>
2.17 Trade center	N	N	N	N	N	N	N	N	N	N	N	N	P/SP	PB	<u>N</u>
2.18 Catering	PB	PB	PB	PB	PB	PB	N	PB	PB	PB	PB	Y	Y	N	<u>N⁴</u>
2.19 Function Hall	PB	N	PB	PB	PB	PB	N	PB	PB	PB	PB	Y	Y	N	<u>N⁴</u>
2.20 Psychic services/fortune-telling	N	N	N	N	PB	N	N	N	N	N	N	PB	N	N	<u>N</u>
2.21 Bed-and-breakfast	PB	PB	P/SP	P/SP	P/SP	N	P/SP	P/SP	P/SP	P/SP	P/SP	N	N	N	<u>N</u>
2.22 Country Store	N	N	N	N	Y	PB	Y	Y	N	Y	N	N	N	N	<u>N</u>
2.23 Non-Medical Marijuana Facility	N	N	N	N	N	N	N	N	N	N	N	PB ⁷	N	N	<u>N</u>
<u>2.24 Business Incubator and Co-working Space</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PB</u>	<u>PB</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>2.25 Artisanal and Craft Maker Space</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PB</u>	<u>PB</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>2.26 Art Gallery</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PB</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>

NOTES:

1. If any part of a principal use is considered a VSE (see § 185-3, Definitions), the requirements for VSE must be met.
2. Except as permitted by a special permit within the Adult Use Overlay District as described in § 185-47.
3. Except BA if involving live or mechanical entertainment.
4. Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule, Part VII, Accessory Uses.
5. Establishments are limited to a maximum gross building footprint of 2,800 square feet.
6. Not allowed on sidewalk level in multilevel development.
7. Non-Medical Marijuana Facilities may be permitted by Planning Board special permit in portions of the Industrial Zone which are in the Marijuana Use Overlay District, see §185-49.
- 8. Allowed as part of a commercial mixed-use development. Stand alone restaurants and retail establishments are not allowed.**

185 Attachment 4
USE REGULATION SCHEDULE
PART III

Symbols in the Use Regulations Schedule shall mean the following:

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

Principal Uses	District														
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O	MBI
3. Industrial, utility															
3.1 Bus, railroad station	N	N	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	P/SP	N	P/SP	<u>N</u>
3.2 Contractor's yard															
a. Landscape materials storage and distribution	N	N	N	N	N	N	N ⁷	N	N	N	N ⁷	P/SP	N	N	<u>N</u>
b. Other	N	N	N	N	N	N	N	N	N	N	N ⁷	P/SP	N	N	<u>N</u>
3.3 Earth removal															
a. Earth removal, commercial ^{3,5,6}	N	N	N	N	N	N	N	BA	BA	N	BA	BA	N	BA	<u>N</u>
b. Earth removal, other ^{3,4}	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	N	BA	<u>N</u>
c. Rock quarrying	N	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
d. Washing, sorting and/or crushing or processing of materials	N	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
e. Production of concrete	N	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
f. Production of bituminous concrete	N	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
3.4 Lumberyard	N	N	N	N	N	N	N	N	N	N	N	PB	N	N	<u>N</u>
3.5 Manufacturing and Processing:															
a. Biotechnology ¹	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	<u>N</u>
b. Light	N	N	N	N	N	N	N	PB	PB	PB	PB	P/SP	N	PB	<u>Y⁸</u>
c. Medium	N	N	N	N	N	N	N	N	N	N	N	P/SP	N	N	<u>Y⁸</u>
d. Heavy	N	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
3.6 Printing, publishing:															
a. Under 5,000 square feet	N	N	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	P/SP	N	P/SP	<u>N</u>
b. Over 5,000 square feet	N	N	N	N	N	N	N	N	N	N	P/SP	P/SP	N	PB	<u>N</u>

185 Attachment 4
USE REGULATION SCHEDULE
PART III (Continued)

Principal Uses	District														
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O	MBI
3.7 Public utility	P/SP	P/SP	P/SP	P/SP	P/SP	N	N	P/SP	P/SP	P/SP	P/SP	P/SP	N	P/SP	<u>N</u>
a. Electric power plant	N	N	N	N	N	N	N	N	N	N	N	BA	N	N	<u>N</u>
3.8 Research and development:															
a. Biotechnology ¹	N	N	N	N	N	N	N	N	N	N	N	PB ²	N	PB ²	<u>N</u>
b. Others	N	N	N	N	N	N	N	N	N	N	P/SP	P/SP	N	P/SP	<u>P/SP</u>
3.9 Solid waste facility	N	N	N	N	N	N	N	N	N	N	N	BA	N	N	<u>N</u>
3.10 Warehouse, distribution facility	N	N	N	N	N	N	N	N	N	N	PB	Y	N	N ⁷	<u>Y</u>
3.11 Wholesale office, salesroom:															
a. With storage	N	N	N	N	N	N	N	N	P/SP	N	P/SP	P/SP	N	N ⁷	<u>Y</u>
b. Without storage	N	N	N	N	N	N	N	<u>P/SP Y</u>	<u>P/SP Y</u>	<u>P/SP Y</u>	<u>P/SP Y</u>	Y	N ⁷	N ⁷	<u>Y</u>
3.12 Conference center	N	N	N	N	N	N	N	N	PB	N	PB	PB	P/SP	PB	<u>P/SP</u>
3.13 Brewery, distillery, or winery production with tasting room	N	N	N	N	N	N	N	PB	PB	PB	PB	PB	PB	N	<u>PB</u>

NOTES:

1. Subject to § 185-42.
2. Biotechnology uses are permitted in the portions of the Industrial District and Office District which are in the Biotechnology Uses Overlay District.
3. See § 185-23, specifically, § 185-23A, Exemptions.
4. See § 185-44, "Administration and enforcement," for general special permit filing information, and § 185-23, Earth removal regulations, for specific filing information.
5. Any commercial earth removal is not permitted within a Water Resource District.
6. See § 185-3 for "commercial earth removal" definition.
7. Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule, Part VII, Accessory Uses.
- 8. All forms, solid, liquid and gas, of the following classes of hazardous materials shall be prohibited from the zone: Corrosives; Organic Peroxides; Oxidizers Pyrophoric; Toxic and Highly toxic; Unstable; and Water Reactive.**

185 Attachment 5
USE REGULATION SCHEDULE
PART IV

Symbols in the Use Regulations Schedule shall mean the following:

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

Principal Uses	District														
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O	MBI
4. Institutional															
4.1 Cemetery	Y		Y	Y	N	N	N	N	N	N	N	N	N	N	<u>N</u>
4.2 Hospital	N		N	N	N	N	N	N	PB	N	PB	PB	N	N	<u>N</u>
a. Medical Marijuana Treatment Facility	N		N	N	N	N	N	N	N	N	N	PB ⁴ PB ³	N	N	<u>N</u>
b. Medical Marijuana Testing Facility	N		N	N	N	N	N	N	N	N	N	PB ⁴ PB ³	N	N	<u>N</u>
4.3 Charitable institution	N		N	N	PB	PB	N	Y	Y	PB	N	N	N	N	<u>Y</u>
4.4 Correctional facility	N		N	N	N	N	N	N	N	N	N	BA	N	N	<u>N</u>
4.5 Library, museum, art gallery	N		Y	Y	Y	N	N	Y	Y	Y	Y	N	N	N	<u>Y</u>
4.6 Lodge, social nonprofit ¹	N		N	N	N	N	N	Y	Y	Y	Y	N	N	N	<u>Y</u>
4.7 Public use	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	N ³ <u>Y</u>	N <u>Y</u>	N ³ <u>Y</u>	<u>Y</u>
 a. Municipal public safety	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
4.8 Religious or educational use:															
a. Exempt from zoning prohibition ²	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
b. Dormitories	N		Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	<u>N</u>

NOTES:

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

~~3. Except for municipal public safety-~~

~~4. 3.~~ Medical Marijuana Treatment Facilities and Testing Facilities may be permitted by Planning Board special permit in portions of the Industrial Zone which are in the Marijuana Use Overlay District, see §185-49.

185 Attachment 6
USE REGULATION SCHEDULE
PART V

Symbols in the Use Regulations Schedule shall mean the following:

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

Principal Uses	District														
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O	MBI
5. Recreational															
5.1 Indoor commercial amusement, recreation, assembly [†]															
a. General	N	PB	PB	PB	PB	N	Y	Y	PB	Y	N	N	N	N	PB
b. Concentrated ¹	N	N	N	N	N	N	PB	Y	PB	Y	N	N	N	N	<u>N</u>
5.2 Golf course and/or club, public or private	PB	PB	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
5.3 Movie theater	N	N	N	N	N	N	Y	PB	Y	PB	N	N	N	N	PB
5.4 Outdoor commercial amusement, recreation															
a. Light	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N	N	<u>N</u>
b. General	PB	PB	PB	PB	N	N	Y	Y	N	Y	Y	N	N	N	<u>N</u>
c. Concentrated	N	N	N	N	N	N	N	PB	N	PB	N	N	N	N	<u>N</u>
5.5 Equestrian center	BA	BA	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
5.6 Public recreation	Y	Y	Y	Y	N	N	Y	Y	Y	Y	N	N	N	N	<u>N</u>
5.7 Automatic amusement device arcades	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	<u>N</u>
5.8 Health club	N	N	N	N	N	N	Y	Y	Y	Y	Y	N ²	Y	Y	<u>Y</u>

NOTES:

1. Provided that the building is so insulated and maintained as to confine noise to the premises and the structure is located not less than 100 feet from a residential district boundary.
2. Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule Part VII, Accessory Uses.

185 Attachment 7
USE REGULATION SCHEDULE
PART VI

Symbols in the Use Regulations Schedule shall mean the following:

Y = A permitted use.

N = An excluded or prohibited use.

BA = A use authorized under special permit from the Board of Appeals.

PB = A use authorized under special permit from the Planning Board.

P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

Principal Uses	District														
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O	MBI
6. Residential															
6.1 Multifamily or apartment	N ¹	N	N	N	PB ³	PB ⁴	N	PB ³	N	Y ^{5,6}	N	N	N	PB ^{7,8}	<u>N</u>
6.2 Single-family	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	<u>N</u>
6.3 Two-family															
a. New	N	N	Y ²	Y ²	Y ²	N	Y	Y	Y	N	N	N	N	N	<u>N</u>
b. By conversion	BA	BA	BA	BA	Y	Y	N	BA	Y	BA	N	N	N	N	<u>N</u>

NOTES:

1. Except PB in RVI District. (See § 185-38.)
2. Lot area must be at least 25% greater than that required for a single-family dwelling.
3. No more than one dwelling unit per 1,000 square feet of lot area may be permitted.
4. No more than one dwelling unit per 3,000 square feet of lot area may be permitted.
5. All dwelling units shall be located on floors above the street level floor.
6. No more than one dwelling unit per 2,000 square feet of lot area will be permitted; additional dwelling units may be allowed by Special Permit from the Planning Board.
7. All multi-family residential developments require a minimum of 5-acres.
8. No more than one dwelling unit per 3,000 square feet of lot area will be permitted.

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	<u>N</u>
A2 Contractor's yard	N		N	N	N	N	N	N	N	N	Y	Y	N	N	<u>N</u>
a. Landscape materials storage and distribution	N		N	N	N	Y ³	Y ³	N	N	N	Y	Y	N	N	<u>N</u>
A3 Home occupation (See § 185-39B.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	<u>N</u>
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	<u>Y</u>
A5 Off-street parking (See § 185-39C.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
A6 Professional office, studio (See § 185-39A.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	<u>Y</u>
A7 Restaurant, bar	N		N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
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	<u>Y</u>
A9 Scientific use in compliance with § 185-37	BA		BA	BA	BA	BA	N	BA	BA	BA	Y	Y	Y	Y	<u>Y</u>
A10 Signs (See § 185-20.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
A11 Single-family dwelling for personnel required for safe operation	Y		Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	<u>N</u>
A12 Other customary accessory uses	Y		Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
A13 Other retail sales, services	N		N	N	N	Y	N ⁴	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
A13.1 Animal grooming	BA		BA	BA	BA	BA	N	Y	BA	Y	BA	BA	BA	BA	<u>BA</u>
A14 Operation of not more than 5 automatic amusement devices	N		N	N	N	N	N	N	Y	Y	Y	Y	N	N	<u>Y</u>
A15 Warehouse/distribution facility	N		N	N	N	N	N	N	Y	N	Y	Y	N	Y	<u>Y</u>
A16 Wholesale office, salesroom															
a. With storage	N		N	N	N	N	N	Y	Y	Y	Y	Y	N	Y	<u>Y</u>
b. Without storage	N		N	N	N	N	N	Y	Y	Y	Y	Y	Y ²	Y	<u>Y</u>
A17 Catering	N		N	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
A18 Function hall	N		N	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y	<u>Y</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.

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: _____, 2019

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Teresa M. Burr
Town Clerk

ABSTAIN _____

ABSENT _____

Glenn Jones, Clerk

Town of Franklin



TOWN OF FRANKLIN
TOWN CLERK

2019 JAN 16 A 11:03

RECEIVED

Planning Board

The following notice will be published in the Milford Daily Newspaper on
Monday, January 21, 2019 and again on Monday, January 28, 2019

In accordance with the provisions of M.G.L. Chapter 40A, Section 5, notice is hereby given that the Planning Board will hold a Public Hearing on February 4, 2019 at 6:00PM and the Town Council will hold a Public Hearing on February 13, 2019 at 7:10 PM in the Town Council Chambers of the Municipal Building, 355 East Central Street, to consider amending the Code of the Town of Franklin as follows:

TOWN OF FRANKLIN ZONING BY-LAW AMENDMENTS

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT: The Code of the Town of Franklin is hereby amended by making the following amendments:

Zoning Bylaw Amendment 19-829: Changes to §185-4 Districts Enumerated. Creation of Mixed Business Innovation Zoning District

Zoning Bylaw Amendment 19-830: Changes to §185 Attachments 2 through 8. Mixed Business Innovation Zone Use Regulations

Zoning Bylaw Amendment 19-831: Changes to §185 Attachments 9. Mixed Business Innovation Zone Dimensional Regulations

Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs. Mixed Business Innovation Zoning District

Zoning Map Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation an Area on or near Fisher and Hayward Streets

Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District

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.

The zoning changes, regulations and overlay map of said amendments may be reviewed in the Department of Planning and Community Development during normal business hours (Monday, Tuesday and Thursday - 8:00 AM to 4:00 PM, Wednesday - 8:00 AM to 6:00 PM, and Friday - 8:00 AM to 1:00 P.M).

Please contact the Department of Planning & Community Development at 508-520-4907 if you require further information or if you need to make arrangements to provide translation services for the hearing impaired or for persons with language barriers.

Anthony Padula, Chairman
Franklin Planning Board

Thomas Mercer, Chairman
Franklin Town Council

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

TO: FRANKLIN TOWN COUNCIL
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: MIXED BUSINESS INNOVATION ZONING DISTRICT
FISHER AND HAYWARD STREETS
CC: JEFFREY D. NUTTING, TOWN ADMINISTRATOR; JAMIE HELLEN, DEPUTY TOWN
ADMINISTRATOR; MARK CEREL, TOWN ATTORNEY; AMY LOVE, PLANNER
DATE: FEBRUARY 6, 2019

Before Town Council on February 13th are six Zoning Bylaw Amendments, 19-829 through 19-834. The first four Amendments (19-829 - 19-832) establish zoning regulation for a new Mixed Business Innovation (MBI) Zoning District; the last two (19-833 and 19-834) rezone seven parcels on Hayward and Fisher Streets from Industrial (I) to the proposed Mixed Business Innovation (MBI) Zoning District.

The neighborhood proposed for rezoning includes the former Clark Cutler & McDermott property, and several adjacent industrially-zoned parcels that are either in need of redevelopment or are currently being utilized for non-Industrial uses. Rezoning the seven parcels to the new MBI Zoning District will increase the likelihood these properties will be redeveloped. The zoning regulations would permit continued medium and light manufacturing and warehouse/distribution uses, while allowing a much greater number of additional commercial uses.

Below is a quick summary of the six Zoning Bylaw Amendments.

Zoning Bylaw Amendment 19-829: Districts Enumerated. Creation of Mixed Business Innovation Zoning District. The Amendment creates the Mixed Business Innovation (MBI) Zoning District by adding its name and a description of intent to §185-4 of the Zoning Bylaw.

Zoning Bylaw Amendment 19-830: Mixed Business Innovation Zone Use Regulations. The Amendment adds the MBI Zoning District to the Use Regulations Schedule in Attachments 2 through 8 of the Zoning Bylaw. Heavy industrial uses and residential uses will not be permitted. In addition to adding a column for the MBI district to the Use Regulations Schedule, the Amendment adds three uses to the Use Regulations Schedule, and adds two notes, one related to stand-alone retail and restaurants, and the other prohibits certain hazardous materials.

Zoning Bylaw Amendment 19-831: Mixed Business Innovation Zone Dimensional Regulations. The Amendment adds the MBI Zoning District to the Schedule of Lot, Area, Frontage, Yard and Height Requirements in Attachment 9. Dimensional regulations for the proposed MBI Zoning District are the same as the current Industrial Zoning District with one exception. The MBI Zoning District would have a maximum building height of 50 feet by

Planning Board special permit, which is the same as allowed in the Business, Commercial I, and Commercial II Zoning Districts.

Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs, Mixed Business Innovation Zoning District. The Amendment adds the new Mixed Business Innovation Zoning District to the Commercial and Business Corridor (CBC) Sign District.

Zoning Map Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation an Area on or near Fisher and Hayward Streets. The Amendment changes seven parcels along Fisher and Hayward Streets from the Industrial Zoning District to the new MBI Zoning District.

Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District. The Amendment updates the Sign District Overlay Map to reflect the Zoning Map changes in Zoning Map Amendment 19-833 above.

Town of Franklin

Town Administrator
Tel: (508) 520-4949



Fax: (508) 520-4903

355 East Central Street
Franklin, Massachusetts 02038-1352

Date: December 13, 2018

To: Town Council

From: Jamie Hellen

Re: Clark, Cutler, McDermott property and neighborhood Rezone

The following zoning bylaw amendment is to rezone the Clark, Culter, McDermott property and some adjacent properties from Industrial to a new zone called "Mixed Business Innovation District". The action requested of the Council tonight is to refer the zoning amendments to the Planning Board for a public hearing. The EDC voted 3-1 to refer this proposal to the full Council.

The Mixed Business Innovation District definition would expand the amount of uses substantially. The Mixed Business Innovation District (MBI) is intended primarily for a mix of light Industrial and Commercial uses in an older industrial neighborhood. A strong emphasis is placed on encouraging reuse and redevelopment of older manufacturing and warehouse buildings, providing for a wide range of light industrial, commercial, cultural, institutional, or entertainment uses, including business incubator, co-working space, studio space, artisanal or craft maker space, art galleries, public art, performance venues, restaurants, cafes and retail that create and support a diverse economically and culturally rich environment. Residential uses and heavy manufacturing uses are not allowed.

The district would constrict the current Industrial uses by taking out heavy manufacturing and hazmat and chemical related uses to reduce heavy traffic, noise and dangerous chemicals from any potential reuse on that site.

Given the great residential neighborhoods around downtown, and the new units on Dean Ave and throughout the Alpine neighborhood, we see a need for additional commercial activity for amenities in downtown. The Planning Department has spoken to all of the property owners affected (except one) and they support this concept. Also, the Downtown Partnership supports this zoning concept.

The Clark, Cutler, McDermott property is currently in bankruptcy court. As of this date, there are potential buyers who have made offers and are working through the court proceedings and with General Motors on the final price. The Trustees of the property are aware of this zoning proposal and are very much in favor of the concept, and "it's the right thing to do".

See attached planning department memo for specifics. Please feel free to call with any questions.

Sponsor: *Administration*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 19-831
MIXED BUSINESS INNOVATION ZONE DIMENSIONAL REGULATIONS
A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, SCHEDULE OF LOT, AREA, FRONTAGE, YARD
AND HEIGHT REQUIREMENTS**

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** to §185, Attachment 9 Schedule of Lot, Area, Frontage, Yard and Height Requirements:

Schedule of Lot, Area, Frontage, Yard and Height Requirements

District	Minimum Lot Dimensions				Minimum Yard Dimensions			Maximum Height of Building		Maximum Impervious Coverage of Existing Upland	
	Area (square feet)	Continuous Frontage (feet)	Depth (feet)	Lot Width (minimum circle diameter)	Front (feet)	Side (feet)	Rear (feet)	Stories	Feet	Structures	Structures Plus Paving ³
Rural Residential I	40,000	200	200	180 ⁴	40	40	40	3	35	20	25
Residential VI	40,000	200	200	180 ⁴	40	40	40	3	35	20	25
Residential VII ¹¹	40,000	200	200	180 ⁴	40	40	40	3	35	20 ¹²	25 ¹²
Rural Residential II	30,000	150	200	135 ⁴	40	35	35	3	35	20	25
Single Family Residential III	20,000	125	160	112.5	40	25	30	3	35	25	35
Single Family Residential IV	15,000	100	100	90	30	20	20	3	35	30	35
General Residential V	10,000	100	100	90	20	15	20	3	40	30	35
Neighborhood Commercial	18,000	100	100	90	20	30	40	3	35	30	35
Rural Business ¹³	40,000	200	200	180	40	30	40	1.5	30	10	30
Downtown Commercial	5,000	50	50	45	5 ¹⁰	0 ²	15	3 ⁹	40 ⁹	80	90
Commercial I ⁷	5,000	50	50	45	20 ¹	10 ¹⁴	15	3 ¹⁵	40 ¹⁵	80	90
Commercial II	40,000	175	200	157.5	40	30	30	3 ¹⁵	40 ¹⁵	70	80
Business	20,000	125	160	112.5	40	20	30	3 ¹⁵	40 ¹⁵	70	80
Mixed Business Innovation	40,000	175	200	157.5	40	30⁵	30⁵	3¹⁵	40¹⁵	70	80
Industrial	40,000	175	200	157.5	40	30 ⁵	30 ⁵	3 ⁶	-	70	80
Limited Industrial	40,000	175	200	157.5	40	30 ⁸	30 ⁸	3 ⁶	40 ⁶	70	80
Office	40,000	100	100	90	20	30 ⁵	30 ⁵	3 ⁶	40 ⁶	70	80

Setbacks: No structure or pole carrying overhead wires shall be put up within 60 feet nor shall a billboard be erected within 100 feet of right-of-way which is 75 feet or more.

NOTES:

- ¹ But no new structure shall be required to provide a deeper yard than that existing on that parcel upon adoption of this amendment.
- ² Increase to 20 feet when abutting a residential district.
- ³ See definition of Upland §185-3, §185-36. Impervious Surfaces and §185-40. Water Resource District.
- ⁴ Within open space developments (see § 185-43), the lot width must be met for individual lots shall be no less than 1/2 those required within the underlying district.
- ⁵ Increase by the common building height of the structure, when abutting a residential use.
- ⁶ Buildings up to 60 feet in height may be permitted by a special permit from the Planning Board.
- ⁷ Permitted residential uses must observe requirements of General Residential V District for residential use building only. Mixed use buildings are exempt from this requirement.
- ⁸ Increase by 1.5 the common building height of a structure, when abutting a residential district or use.
- ⁹ Buildings up to 50 feet in height may be permitted by a special permit from the Planning Board provided the structure is set back at least 15 feet from frontage.
- ¹⁰ Minimum 5' setback required on first floor, street level; upper floors can overhang required first floor set back.
- ¹¹ See §185-50.
- ¹² Total impervious surface in the upland shall be no more than 50% if a special permit for multiple, single-family dwelling units is granted in RVII.
- ¹³ Maximum gross building footprint of non-residential primary use structures is 3,500 square feet.
- ¹⁴ The 10 feet side setback is only required on one side of lot; if lot abuts a residential district, a twenty feet setback is required on the abutting side.
- ¹⁵ Buildings up to 50 feet in height, regardless of the number of stories, may be permitted by a special permit from the Planning Board.

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: _____, 2019

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Teresa M. Burr
Town Clerk

ABSENT _____

Glenn Jones, Clerk

Town of Franklin



TOWN OF FRANKLIN
TOWN CLERK

2019 JAN 16 A 11:03

RECEIVED

Planning Board

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Monday, January 21, 2019 and again on Monday, January 28, 2019

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Zoning Bylaw Amendment 19-831: Changes to §185 Attachments 9. Mixed Business Innovation Zone Dimensional Regulations

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Zoning Map Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation an Area on or near Fisher and Hayward Streets

Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District

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Anthony Padula, Chairman
Franklin Planning Board

Thomas Mercer, Chairman
Franklin Town Council

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

TO: FRANKLIN TOWN COUNCIL
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: MIXED BUSINESS INNOVATION ZONING DISTRICT
FISHER AND HAYWARD STREETS
CC: JEFFREY D. NUTTING, TOWN ADMINISTRATOR; JAMIE HELLEN, DEPUTY TOWN
ADMINISTRATOR; MARK CEREL, TOWN ATTORNEY; AMY LOVE, PLANNER
DATE: FEBRUARY 6, 2019

Before Town Council on February 13th are six Zoning Bylaw Amendments, 19-829 through 19-834. The first four Amendments (19-829 - 19-832) establish zoning regulation for a new Mixed Business Innovation (MBI) Zoning District; the last two (19-833 and 19-834) rezone seven parcels on Hayward and Fisher Streets from Industrial (I) to the proposed Mixed Business Innovation (MBI) Zoning District.

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Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District. The Amendment updates the Sign District Overlay Map to reflect the Zoning Map changes in Zoning Map Amendment 19-833 above.

Town of Franklin

Town Administrator
Tel: (508) 520-4949



Fax: (508) 520-4903

355 East Central Street
Franklin, Massachusetts 02038-1352

Date: December 13, 2018

To: Town Council

From: Jamie Hellen

Re: Clark, Cutler, McDermott property and neighborhood Rezone

The following zoning bylaw amendment is to rezone the Clark, Culter, McDermott property and some adjacent properties from Industrial to a new zone called "Mixed Business Innovation District". The action requested of the Council tonight is to refer the zoning amendments to the Planning Board for a public hearing. The EDC voted 3-1 to refer this proposal to the full Council.

The Mixed Business Innovation District definition would expand the amount of uses substantially. The Mixed Business Innovation District (MBI) is intended primarily for a mix of light Industrial and Commercial uses in an older industrial neighborhood. A strong emphasis is placed on encouraging reuse and redevelopment of older manufacturing and warehouse buildings, providing for a wide range of light industrial, commercial, cultural, institutional, or entertainment uses, including business incubator, co-working space, studio space, artisanal or craft maker space, art galleries, public art, performance venues, restaurants, cafes and retail that create and support a diverse economically and culturally rich environment. Residential uses and heavy manufacturing uses are not allowed.

The district would constrict the current Industrial uses by taking out heavy manufacturing and hazmat and chemical related uses to reduce heavy traffic, noise and dangerous chemicals from any potential reuse on that site.

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The Clark, Cutler, McDermott property is currently in bankruptcy court. As of this date, there are potential buyers who have made offers and are working through the court proceedings and with General Motors on the final price. The Trustees of the property are aware of this zoning proposal and are very much in favor of the concept, and "it's the right thing to do".

See attached planning department memo for specifics. Please feel free to call with any questions.

TOWN OF FRANKLIN
ZONING BYLAW AMENDMENT 19-832
CHANGES TO §185-20. SIGNS,
MIXED BUSINESS INNOVATION ZONING DISTRICT
A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE
AT CHAPTER 185, SECTION 20. SIGNS

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** to §185-20 Signs:

§ 185-20 Signs.

B. Applicability

- (3) This bylaw establishes four separate sign districts with different regulations within each district (See Attachment 10, Schedule of Permitted Signs per Sign District). These districts are delineated on the map entitled Town of Franklin Sign Districts and created under 185-4, Districts enumerated.
 - (a) The Downtown Commercial District (hereafter DCD) consists of parcels within the Downtown Commercial and Rural Business Zoning Districts.
 - (b) The Commercial and Business Corridor District (hereafter CBCD) consists of parcels within the Commercial I, Commercial II, Business, **Mixed Business Innovation**, and Limited Industrial Zoning Districts.
 - (c) The Industrial and Office Park District (hereafter IOPD) consists of parcels within the Industrial and Office Zoning Districts.
 - (d) The Residential District (hereafter RD) consists of parcels within all residential zoning districts.

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: _____, 2019

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Teresa M. Burr
Town Clerk

ABSTAIN _____

ABSENT _____

Glenn Jones, Clerk

Town of Franklin



TOWN OF FRANKLIN
TOWN CLERK

2019 JAN 16 A 11:03

RECEIVED

Planning Board

The following notice will be published in the Milford Daily Newspaper on
Monday, January 21, 2019 and again on Monday, January 28, 2019

In accordance with the provisions of M.G.L. Chapter 40A, Section 5, notice is hereby given that the Planning Board will hold a Public Hearing on February 4, 2019 at 6:00PM and the Town Council will hold a Public Hearing on February 13, 2019 at 7:10 PM in the Town Council Chambers of the Municipal Building, 355 East Central Street, to consider amending the Code of the Town of Franklin as follows:

TOWN OF FRANKLIN ZONING BY-LAW AMENDMENTS

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT: The Code of the Town of Franklin is hereby amended by making the following amendments:

Zoning Bylaw Amendment 19-829: Changes to §185-4 Districts Enumerated. Creation of Mixed Business Innovation Zoning District

Zoning Bylaw Amendment 19-830: Changes to §185 Attachments 2 through 8. Mixed Business Innovation Zone Use Regulations

Zoning Bylaw Amendment 19-831: Changes to §185 Attachments 9. Mixed Business Innovation Zone Dimensional Regulations

Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs. Mixed Business Innovation Zoning District

Zoning Map Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation an Area on or near Fisher and Hayward Streets

Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District

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.

The zoning changes, regulations and overlay map of said amendments may be reviewed in the Department of Planning and Community Development during normal business hours (Monday, Tuesday and Thursday - 8:00 AM to 4:00 PM, Wednesday - 8:00 AM to 6:00 PM, and Friday - 8:00 AM to 1:00 P.M).

Please contact the Department of Planning & Community Development at 508-520-4907 if you require further information or if you need to make arrangements to provide translation services for the hearing impaired or for persons with language barriers.

Anthony Padula, Chairman
Franklin Planning Board

Thomas Mercer, Chairman
Franklin Town Council

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

TO: FRANKLIN TOWN COUNCIL
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: MIXED BUSINESS INNOVATION ZONING DISTRICT
FISHER AND HAYWARD STREETS
CC: JEFFREY D. NUTTING, TOWN ADMINISTRATOR; JAMIE HELLEN, DEPUTY TOWN
ADMINISTRATOR; MARK CEREL, TOWN ATTORNEY; AMY LOVE, PLANNER
DATE: FEBRUARY 6, 2019

Before Town Council on February 13th are six Zoning Bylaw Amendments, 19-829 through 19-834. The first four Amendments (19-829 - 19-832) establish zoning regulation for a new Mixed Business Innovation (MBI) Zoning District; the last two (19-833 and 19-834) rezone seven parcels on Hayward and Fisher Streets from Industrial (I) to the proposed Mixed Business Innovation (MBI) Zoning District.

The neighborhood proposed for rezoning includes the former Clark Cutler & McDermott property, and several adjacent industrially-zoned parcels that are either in need of redevelopment or are currently being utilized for non-Industrial uses. Rezoning the seven parcels to the new MBI Zoning District will increase the likelihood these properties will be redeveloped. The zoning regulations would permit continued medium and light manufacturing and warehouse/distribution uses, while allowing a much greater number of additional commercial uses.

Below is a quick summary of the six Zoning Bylaw Amendments.

Zoning Bylaw Amendment 19-829: Districts Enumerated. Creation of Mixed Business Innovation Zoning District. The Amendment creates the Mixed Business Innovation (MBI) Zoning District by adding its name and a description of intent to §185-4 of the Zoning Bylaw.

Zoning Bylaw Amendment 19-830: Mixed Business Innovation Zone Use Regulations. The Amendment adds the MBI Zoning District to the Use Regulations Schedule in Attachments 2 through 8 of the Zoning Bylaw. Heavy industrial uses and residential uses will not be permitted. In addition to adding a column for the MBI district to the Use Regulations Schedule, the Amendment adds three uses to the Use Regulations Schedule, and adds two notes, one related to stand-alone retail and restaurants, and the other prohibits certain hazardous materials.

Zoning Bylaw Amendment 19-831: Mixed Business Innovation Zone Dimensional Regulations. The Amendment adds the MBI Zoning District to the Schedule of Lot, Area, Frontage, Yard and Height Requirements in Attachment 9. Dimensional regulations for the proposed MBI Zoning District are the same as the current Industrial Zoning District with one exception. The MBI Zoning District would have a maximum building height of 50 feet by

Planning Board special permit, which is the same as allowed in the Business, Commercial I, and Commercial II Zoning Districts.

Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs, Mixed Business Innovation Zoning District. The Amendment adds the new Mixed Business Innovation Zoning District to the Commercial and Business Corridor (CBC) Sign District.

Zoning Map Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation an Area on or near Fisher and Hayward Streets. The Amendment changes seven parcels along Fisher and Hayward Streets from the Industrial Zoning District to the new MBI Zoning District.

Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District. The Amendment updates the Sign District Overlay Map to reflect the Zoning Map changes in Zoning Map Amendment 19-833 above.

Town of Franklin

Town Administrator
Tel: (508) 520-4949

Fax: (508) 520-4903



355 East Central Street
Franklin, Massachusetts 02038-1352

Date: December 13, 2018

To: Town Council

From: Jamie Hellen

Re: Clark, Cutler, McDermott property and neighborhood Rezone

The following zoning bylaw amendment is to rezone the Clark, Culter, McDermott property and some adjacent properties from Industrial to a new zone called "Mixed Business Innovation District". The action requested of the Council tonight is to refer the zoning amendments to the Planning Board for a public hearing. The EDC voted 3-1 to refer this proposal to the full Council.

The Mixed Business Innovation District definition would expand the amount of uses substantially. The Mixed Business Innovation District (MBI) is intended primarily for a mix of light Industrial and Commercial uses in an older industrial neighborhood. A strong emphasis is placed on encouraging reuse and redevelopment of older manufacturing and warehouse buildings, providing for a wide range of light industrial, commercial, cultural, institutional, or entertainment uses, including business incubator, co-working space, studio space, artisanal or craft maker space, art galleries, public art, performance venues, restaurants, cafes and retail that create and support a diverse economically and culturally rich environment. Residential uses and heavy manufacturing uses are not allowed.

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The Clark, Cutler, McDermott property is currently in bankruptcy court. As of this date, there are potential buyers who have made offers and are working through the court proceedings and with General Motors on the final price. The Trustees of the property are aware of this zoning proposal and are very much in favor of the concept, and "it's the right thing to do".

See attached planning department memo for specifics. Please feel free to call with any questions.

SPONSOR: *Town Administration*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 19-833**

**ZONING MAP CHANGES FROM INDUSTRIAL TO
MIXED BUSINESS INNOVATION AN AREA
ON OR NEAR FISHER AND HAYWARD STREETS**

**A ZONING BY-LAW AMENDMENT TO THE CODE OF THE TOWN OF
FRANKLIN AT CHAPTER 185 SECTION 5, ZONING MAP**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT: The Code of the Town of Franklin is hereby amended by making the following amendments to §185-5, Zoning Map:

That the Zoning Map of the Town of Franklin be amended by changing from Industrial to Mixed Use Innovation an area containing **35.529± acres**, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

278-016-000	278-025-000	287-116-000
278-024-000	287-115-000	287-126-000
278-024-001		

The area to be rezoned is shown on the attached map (“Proposed Zoning Map Changes, An Area On Or Near Fisher and Hayward Streets”).

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: _____, 2019

VOTED:
UNANIMOUS _____
YES _____ **NO** _____
ABSTAIN _____
ABSENT _____

A True Record Attest:

Teresa M. Burr
Town Clerk

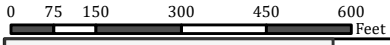
Glenn Jones, Clerk

Proposed Zoning Map Changes

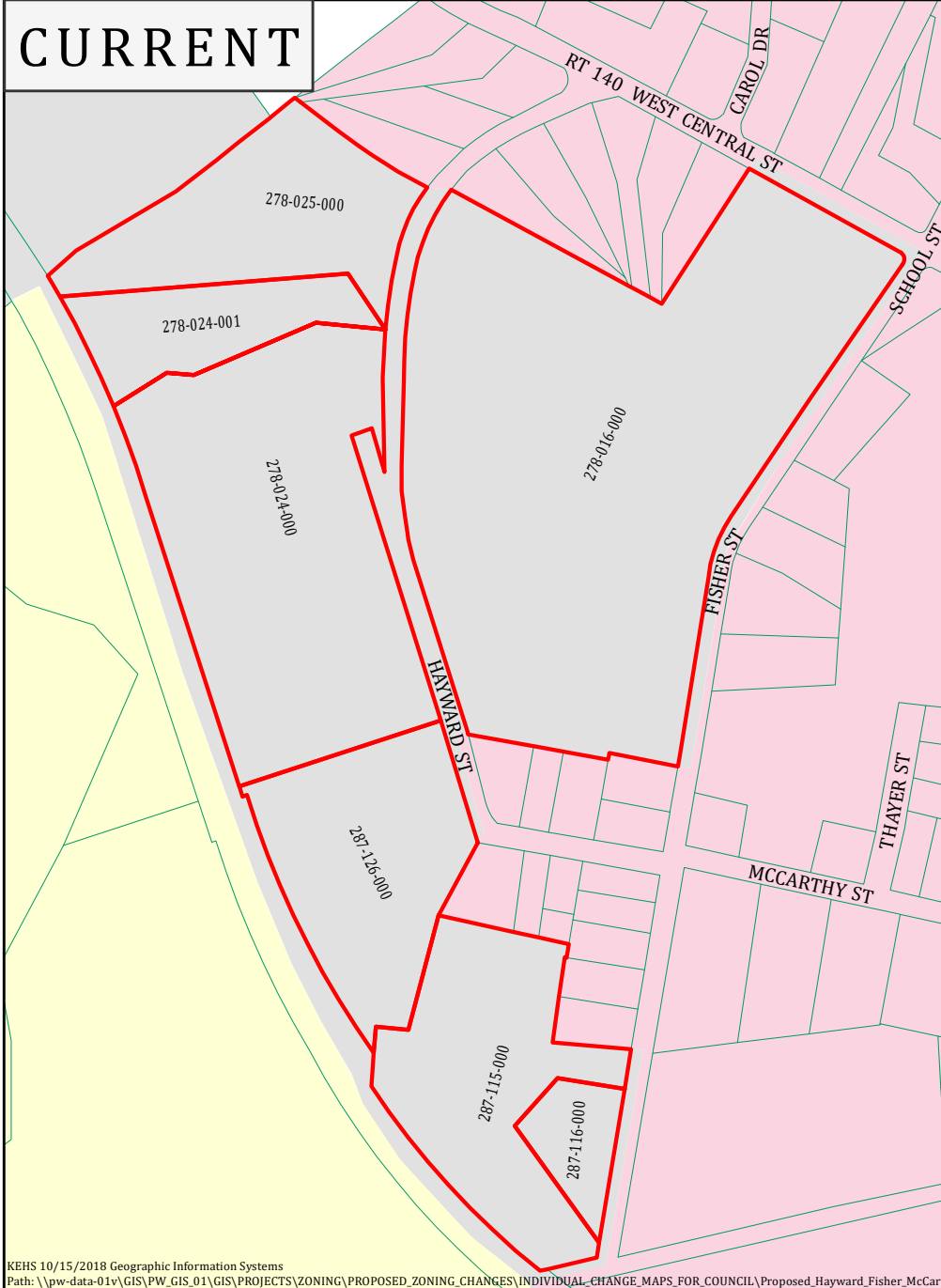
Industrial to Mixed Business Innovation, An Area On Or Near Fisher and Hayward Streets

- General Residential V
- Rural Residential I
- Industrial
- Single-Family IV
- Mixed Business Innovation
- Area of Proposed Change
- Parcel Line

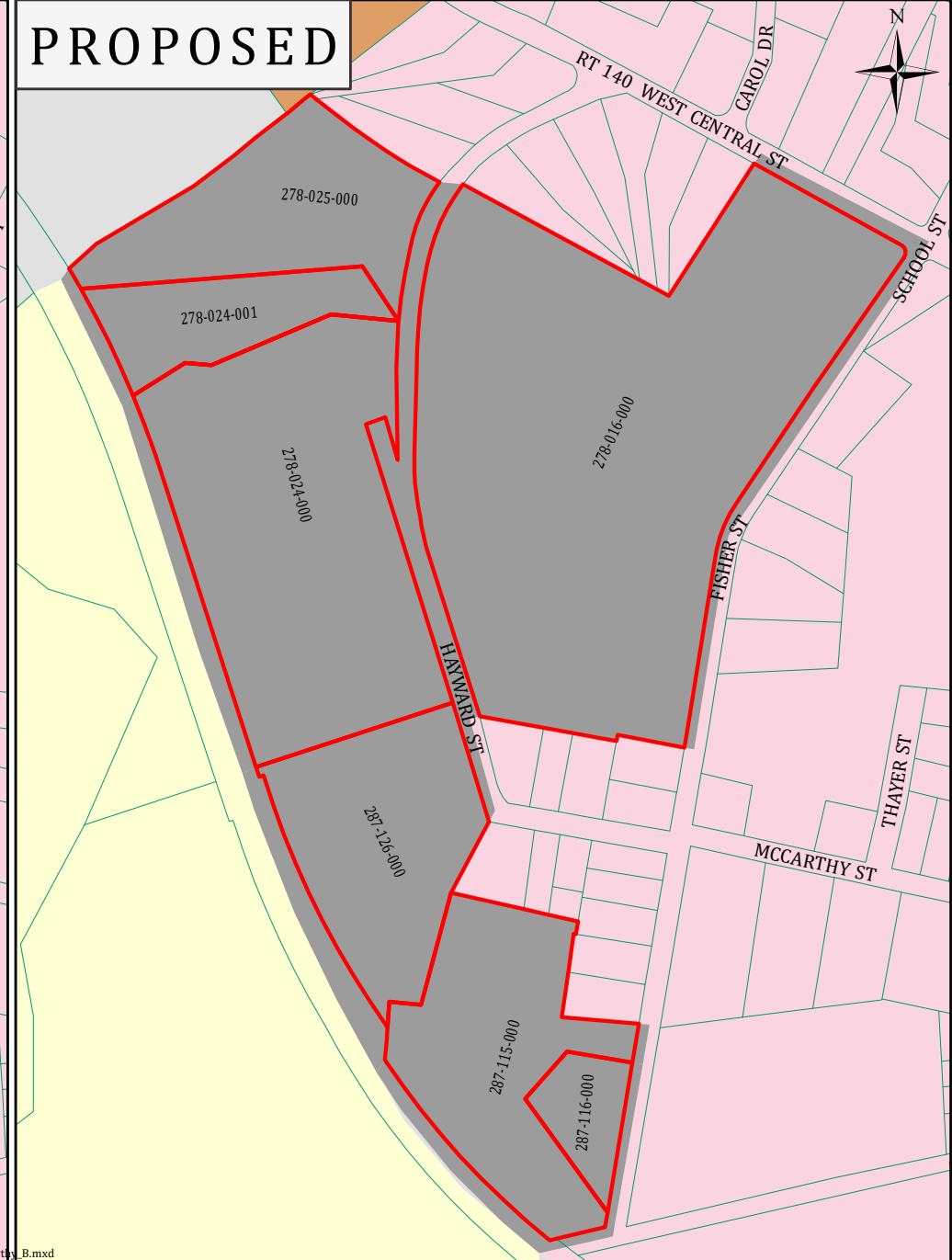
19-833



CURRENT



PROPOSED



Town of Franklin



TOWN OF FRANKLIN
TOWN CLERK

2019 JAN 16 A 11:03

RECEIVED

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Anthony Padula, Chairman
Franklin Planning Board

Thomas Mercer, Chairman
Franklin Town Council

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

TO: FRANKLIN TOWN COUNCIL
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: MIXED BUSINESS INNOVATION ZONING DISTRICT
FISHER AND HAYWARD STREETS
CC: JEFFREY D. NUTTING, TOWN ADMINISTRATOR; JAMIE HELLEN, DEPUTY TOWN
ADMINISTRATOR; MARK CEREL, TOWN ATTORNEY; AMY LOVE, PLANNER
DATE: FEBRUARY 6, 2019

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Town of Franklin

Town Administrator
Tel: (508) 520-4949



Fax: (508) 520-4903

355 East Central Street
Franklin, Massachusetts 02038-1352

Date: December 13, 2018

To: Town Council

From: Jamie Hellen

Re: Clark, Cutler, McDermott property and neighborhood Rezone

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See attached planning department memo for specifics. Please feel free to call with any questions.

TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 19-834
CHANGES TO SIGN DISTRICT OVERLAY MAP,
MIXED BUSINESS INNOVATION ZONING DISTRICT
A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, SECTION 4 DISTRICTS ENUMERATED

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by deleting the current Sign District Map created by adoption of Zoning Bylaw Amendment 12-671, and replacing with the following:

SIGN Districts

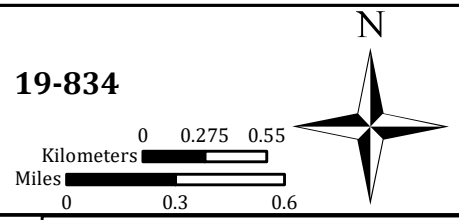
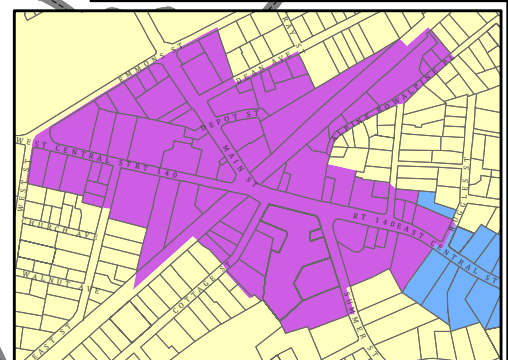
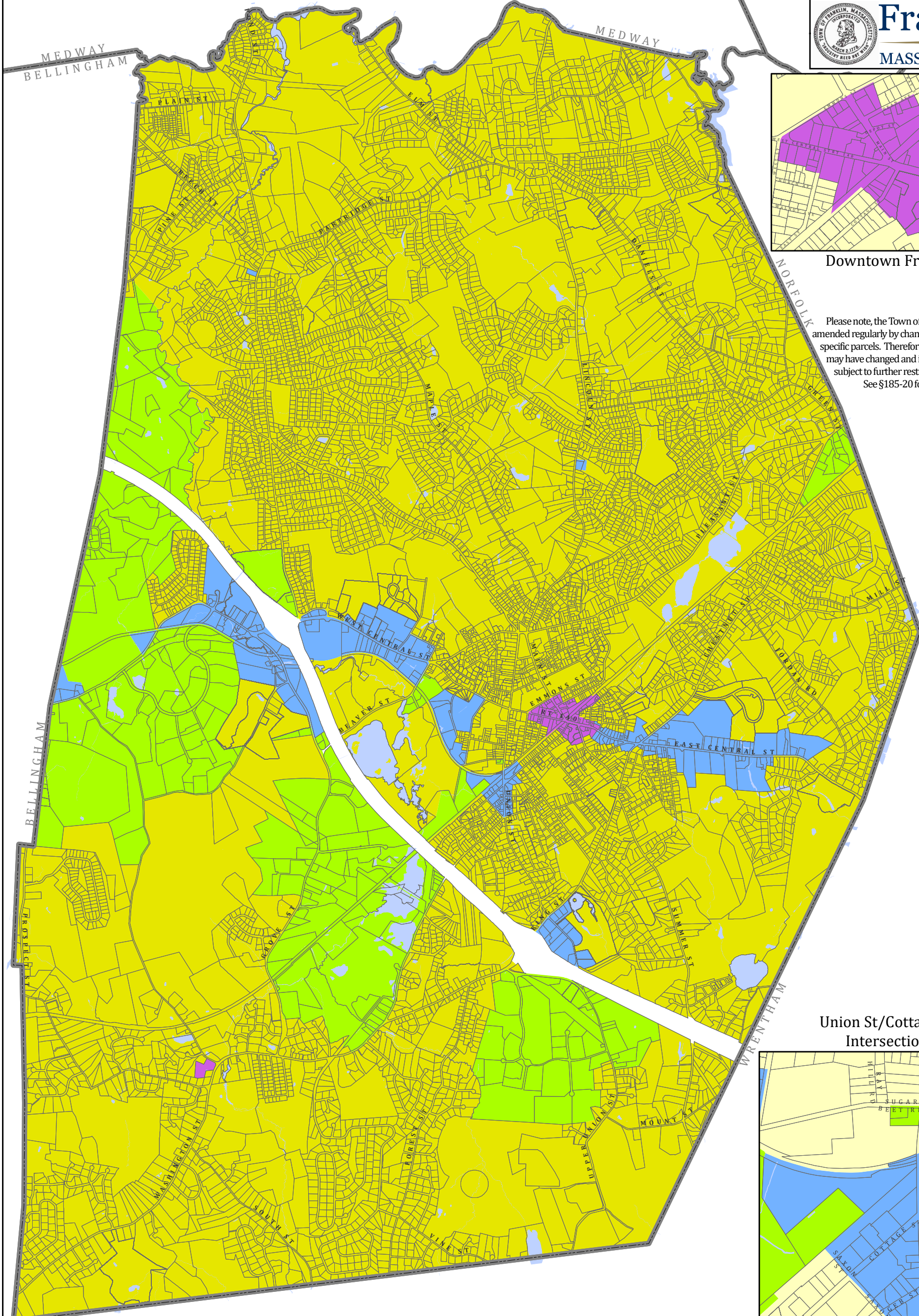
- Commercial and Business Corridor District
- Downtown Commercial District
- Industrial & Office Park District
- Residential District
- Parcel Line
- Water
- Municipal Boundary

19-834

0 0.275 0.55
Kilometers

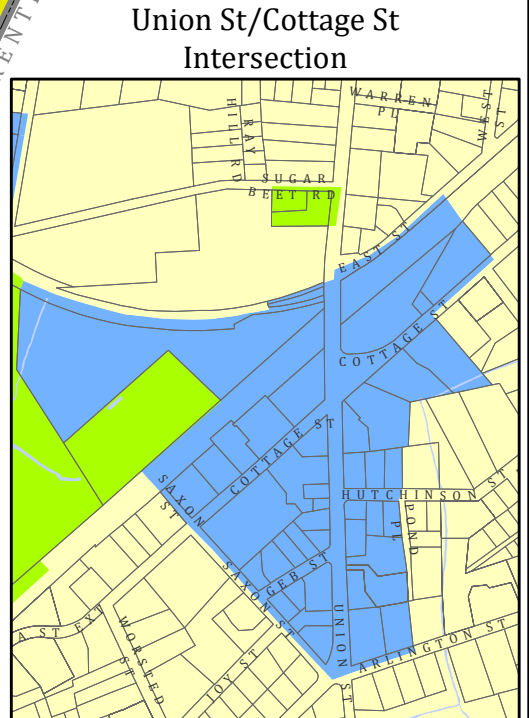
0 0.3 0.6
Miles

N

Downtown Franklin

Please note, the Town of Franklin's Zoning Map is amended regularly by changing the zoning district of specific parcels. Therefore the sign districts shown may have changed and individual parcels may be subject to further restrictions upon application. See §185-20 for additional information.



Union St/Cottage St Intersection

Sign District Overlay Map Adopted March 21, 2012 by Zoning Bylaw Amendment 12-671

Amended through January ____, 2019 by Zoning Bylaw Amendment 19-8X6

- Amendment 18-824: 12-xx-2018
- Amendment 19-834: 1-xx-2019

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.

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: _____, 2019

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Teresa M. Burr
Town Clerk

ABSTAIN _____

ABSENT _____

Glenn Jones, Clerk

Town of Franklin



TOWN OF FRANKLIN
TOWN CLERK

2019 JAN 16 A 11:03

RECEIVED

Planning Board

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TOWN OF FRANKLIN ZONING BY-LAW AMENDMENTS

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT: The Code of the Town of Franklin is hereby amended by making the following amendments:

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Anthony Padula, Chairman
Franklin Planning Board

Thomas Mercer, Chairman
Franklin Town Council

OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

DATE: February 7, 2019
TO: Town Council
FROM: Jeffrey D. Nutting, Town Administrator
RE: Vote on Bylaw Amendment 19-836

A handwritten signature in blue ink, appearing to be "J. Nutting", is written over the "FROM:" line of the memorandum.

This Bylaw Amendment will bring the Library Board in compliance with the Franklin Town Charter.

I am happy to answer any questions you may have.



TOWN OF FRANKLIN

Sponsor: Administrator

BYLAW AMENDMENT 19-836

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN BY ADDING A NEW CHAPTER: CHAPTER 108 LIBRARY BOARD OF DIRECTORS

BE IT ENACTED by the Franklin Town Council that the CODE of the Town of Franklin is amended by adding Chapter 108 Library Board of Directors, as follows:

Chapter 108 Library Board of Directors

§108-1 Purpose. There is hereby created a Library board of Directors for the purpose of providing input and ideas to the Town Administrator related to Library Services provided by the Town of Franklin.

§108-2 Appointment. The Library Board of Directors shall consist of five (5) persons appointed by the Town Administrator, subject to ratification by the Town Council and serving without pay. Members must be residents of the Town of Franklin and interested in the promotion of the Town of Franklin Library. Elected officials or library employees of the Town of Franklin will not be appointed as members of the Board. The Franklin Library Director will be an ex-officio member of the Board.

§108-3 Term of Office. Term of office shall be for three years or until the appointment of a qualified successor. When first constituted, one members shall be appointed for a one year term, two members for a two year term and two members for a three year term. Thereafter the term of office shall expire after a three year term. Vacancies occurring otherwise than by expiration of a term shall be filled by the Town Administrator for the unexpired term.

§108-4 Functions - The Board, through the Town Administrator will:

1. Provide recommendations for the operation of the library services and programs.
2. Promote a coordination of efforts between agencies providing library services within and outside the Town.
3. Sponsor surveys of facilities, programs, and services within the Town for the purpose of assessing library needs, including the need for capital improvements to the, or in the library.
4. Respond to the Town Administrator's request to review and recommend the annual Capital and Operating budget to the Town Administrator.
5. Respond to the Town Administrator's request to assist in recruiting a Library Director.
6. With approval of the Town Council, solicit and receive grants, gifts and donations to be applied for library purposes.
7. Coordinate with community groups or organizations that support the mission of the Library.
8. Recommend appropriate space use in existing facilities.
9. Make policy and program recommendations to the Town Administrator.

This bylaw supercedes Town Council Resolution 90-44, which is hereby rescinded.

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

DATED: _____, 2019

VOTED:
UNANIMOUS _____

YES _____ **NO** _____

A True Record Attest:

ABSTAIN _____

ABSENT _____

RECUSED _____

Teresa M. Burr
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

TO: JEFFREY D. NUTTING, TOWN ADMINISTRATOR
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
**RE: ZONING BY-LAW AMENDMENT 19-837, ZONING MAP CHANGES
FROM GENERAL RESIDENTIAL V TO SINGLE FAMILY RESIDENTIAL IV,
AN AREA ON OR NEAR WEST CENTRAL STREET**
**CC: JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR
MARK CEREL, TOWN ATTORNEY; AMY LOVE, PLANNER**
DATE: FEBRUARY 14, 2019

As you know, at their February 13th meeting the Economic Development Committee voted to send Zoning Bylaw Amendment 19-837 to the full Council for consideration. The proposed Zoning Map Amendment would change five parcels on West Central Street from General Residential V to Single Family Residential IV.

Attached are the following for review and consideration:

- A list of parcels proposed for rezoning;
- Zoning By-law Amendment 19-837: Zoning Map Changes From General Residential V to Single Family Residential IV, An Area On Or Near West Central Street; and
- A diagram with two maps: one showing the current zoning in the area, and one showing proposed Zoning Map changes.

If Town Council supports the proposed zoning map amendment, DPCD recommends they refer Zoning By-law Amendment 19-837 to the Planning Board for a Public Hearing.

Please let me know if you have questions or require additional information.

Proposed Zoning Map Amendment

19-837

**From General Residential V to Single Family Residential IV
An Area On Or Near West Central Street**

Parcel	Location	Size (acres)	Owners	From	To
278-031-000-000	278 West Central Street	1.019	Double J Development LLC	GRV	SFRIV
278-032-000-000	280 West Central Street	0.815	Joel Derrico	GRV	SFRIV
278-033-000-000	286 West Central Street	0.147	Max Roche and Lauren Schaejbe	GRV	SFRIV
278-034-000-000	290 West Central Street	0.140	Eberle and Gracia Pierre-Louis	GRV	SFRIV
278-035-000-000	300 West Central Street	1.310	Dennis R. Foley Trust and Foley Family Trust	GRV	SFRIV

Total Acres 2.412

SFRIV = Single Family Residential IV

GRV = General Residential V

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 19-837
ZONING MAP CHANGES FROM GENERAL RESIDENTIAL V
TO SINGLE FAMILY RESIDENTIAL IV
AN AREA ON OR NEAR WEST CENTRAL STREET**

**A ZONING BY-LAW AMENDMENT TO THE CODE OF THE TOWN OF
FRANKLIN AT CHAPTER 185 SECTION 5, ZONING MAP**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT: The Code of the Town of Franklin is hereby amended by making the following amendments to §185-5, Zoning Map:

That the Zoning Map of the Town of Franklin be amended by changing from General Residential V to Single Family Residential IV an area containing 2.412± acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Number

278-031-000	278-033-000	278-035-000
278-032-000	278-034-000	

The area to be rezoned is shown on the attached map (“Proposed Zoning Map Changes, An Area On Or Near West Central Street”).

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: _____, 2019

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Teresa M. Burr
Town Clerk

ABSTAIN _____

ABSENT _____

RECUSED _____

Glenn Jones, Clerk

Proposed Zoning Map Changes

General Residential V to Single-Family IV

- Commercial II
- Rural Residential II
- General Residential V
- Single-Family IV
- Industrial
- Area of Proposed Change **19-837**
- Parcel Line

0 125 250 500 Feet

