

FRANKLIN TOWN COUNCIL

Agenda & Meeting Packet

April 13, 2022

Meeting will be held at the **Municipal Building**
2nd floor, Council Chambers
355 East Central Street
7:00 PM

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

Link to access meeting via Zoom for April 13, 2022 Town Council Meeting:

- Zoom Link [HERE](#) -- Then click "Open Zoom".
- Or copy and paste this URL into your browser: <https://us02web.zoom.us/j/85950404004>
- Call-In Phone Number: Call 1-929-205-6099 and enter **Meeting ID # 859 5040 4004** --Then press #

1. ANNOUNCEMENTS FROM THE CHAIR

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

2. CITIZEN COMMENTS

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

3. APPROVAL OF MINUTES - None Scheduled.

4. PROCLAMATIONS / RECOGNITIONS

- Recognition: Roger Magalhaes - Recipient of The Immigrant Learning Center's Barry M. Portnoy Immigrant Entrepreneur Award in Outstanding Business Growth

5. APPOINTMENTS - None Scheduled.

6. HEARINGS - 7:00 pm

- [Alcoholic Beverages Licensees – Failure to Pass Compliance Check](#)
 - [TM1 Solutions, Inc. d/b/a 7-Eleven 37380 - 664 Union Street](#)
 - [Dharma Bhakti Corporation d/b/a Liquor World - 365 West Central Street](#)
 - [Jimmy D's LLC d/b/a Jimmy D's - 338 Union Street](#)

7. LICENSE TRANSACTIONS - None Scheduled.

8. PRESENTATIONS / DISCUSSION

- a. [Presentation: Community Planning: DHCD Multi-Family Housing Guidelines for MBTA Communities](#) - Bryan Taberner, Director, Planning and Community Development

9. LEGISLATION FOR ACTION

- a. [Resolution 22-26: Acceptance of Easement of Property at 732 Washington Street](#) (*Motion to Approve Resolution 22-26 - Majority Vote*)

10. TOWN ADMINISTRATOR'S REPORT

11. SUBCOMMITTEE & AD HOC COMMITTEE REPORTS

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

12. FUTURE AGENDA ITEMS

13. COUNCIL COMMENTS

14. EXECUTIVE SESSION

15. ADJOURN

Note:

Two-Thirds Vote: requires 6 votes

Majority Vote: requires majority of members present and voting

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

April 8, 2022

To: Town Council
From: Jamie Hellen, Town Administrator
Alecia Alleyne, Assistant to the Town Administrator

Re: **Alcoholic Beverages Licensees – Failure to Pass Compliance Check**

On March 2, 2022 the Franklin PD performed an Alcohol Compliance Check Operation throughout the Town of Franklin. 33 establishments were checked. Of these, 24 passed the compliance check, 6 were closed or not currently selling alcohol, and 3 failed to pass the check.

The 3 establishments that failed the compliance check are listed below.

- TM1 Solutions, Inc. d/b/a 7-Eleven 37380 - 664 Union Street
- Dharma Bhakti Corporation d/b/a Liquor World - 365 West Central Street
- Jimmy D's LLC d/b/a Jimmy D's - 338 Union Street

For more information, please find attached

- A copy of the March 3, 2022 dated letter from Lieutenant Eric J. Zimmerman to Chief Thomas Lynch.
- A copy of Bylaw Amendment 14-727 relating to alcoholic beverage license holder violations is attached.
- A copy of the Hearing Notice, Notice of Violation, Incident Report and Narrative for each establishment.

Please let us know if you have any questions.



FRANKLIN POLICE DEPARTMENT

Thomas J. Lynch, Chief of Police
James M. West, Deputy Chief of Police
911 Panther Way, Franklin, MA 02038
Telephone: (508) 528-1212
Fax: (508) 520-4747
www.franklinma.gov/police-department

To: Chief Thomas Lynch
From: Lieutenant Eric J. Zimmerman
Re: Spring 2022 Alcohol Compliance Check
Date: March 3, 2022

Chief Lynch,

On March 2, 2022 the Community Safety Officers in conjunction with Officers from the Operations Division participated in an Alcohol Compliance Check Operation throughout the Town of Franklin. The operation consisted of six (6) plainclothes officers and three (3) underage (18-19yo) decoy operatives. The operation was performed utilizing the "No I.D." protocol where the underage operatives attempt to purchase alcohol from licensed establishments without their I.D. The underage operatives were instructed not to misrepresent their true age and instead provide their true age and dates of birth if requested by the seller(s).

After briefing all the participating officers and operatives on the operation plan the Compliance Check began at approximately 1730hrs. The three teams of officers and underage operatives checked a total of thirty three (33) licensed establishments throughout the town. Of the thirty three establishments that were checked, six (6) were closed or not currently selling alcohol. Of the remaining twenty seven establishments, twenty four (24) passed the compliance check and did not sell to the underage operatives by either requesting their identification or asking about their age or date of birth. Three (3) licensed establishments sold alcohol to the underage operative without requesting identification or inquiring about their age or date of birth.

Two of the three establishments, 7 Eleven and Liquor World, were off Off-Premises locations where the operative purchased a six-pack of Bud Light from the store, exited the store with the alcohol and immediately turned the beer over to officers. One On-Premises establishment, Jimmy D's, served the underage operative a Bud Light Bottle while they were at the bar. Upon completing the transaction, the operative exited the bar and immediately informed officers.

At the completion of the Operation, officers responded to the establishments that failed the Compliance Check. They identified the employee who sold the alcohol to the underage operatives, informed them of the violation and that the Town would contact them.

As a result of this Operation, I will personally deliver a Notice of Violation to each of the licensed establishments that failed the Compliance Check. I will also provide them with a copy of Officer's report. Additionally, Congratulation Letters will be mailed to each of the licensed establishments that passed the Compliance Check.

If you have any questions or comments, please do not hesitate to contact me. Thank you.

Respectfully,


Lieutenant Eric J. Zimmerman



Sponsor: Administration

**TOWN OF FRANKLIN
BYLAW AMENDMENT 14-727
CHAPTER 47, ALCOHOLIC BEVERAGES**

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 47.

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL that Chapter 47 of the Code of the Town of Franklin is amended by adding a new Section 47-22 as follows:

§47-22. Guidelines and Criteria to be Applied by Franklin Town Council in Determining Penalty to be Imposed Upon Alcohol Beverage Licenseholder for Violation.

A. Guidelines for Compliance Check Violations:

First Offense

Three to five-day suspension, one to three days to be served, with balance held in abeyance for two years.

Second Offense*

Five to seven-day suspension, three to five days to be served, with balance held in abeyance for three years.

Third Offense*

Seven to ten-day suspension, five to seven days to be served, with balance held in abeyance for five years.

*Any outstanding prior penalty held in abeyance shall be brought forward and served.

All penalties shall be served, at Council's option, commencing on the day of the week of the violation.

B. Other Operational Violations:

The Town Council shall consider each alleged violation on its facts, on a case-by-case basis and reserves its statutory right to modify, suspend or revoke a license; however, it may, in its sound discretion, apply the guidelines for compliance check violations, as well as aggravating or mitigating factors as follows:

Aggravating Factors:

1. Deliberateness of violation: intentional, willful, or negligent.
2. Facts of violation

- a. Incident impacting public safety or accident involving serious personal injury or death.
 - b. Continued service of intoxicated or underage person or serve of multiple intoxicated and/or underage persons.
3. Multiple statutory and/or local bylaw violations.
 4. Licensee's obstruction of or non-cooperation in investigation.
 5. Licensee's failure to provide adequate staff training and oversight procedures.
 6. Number and frequency of prior violations.

Mitigating Factors:

1. Licensee's acknowledgment of violation.
2. Licensee's cooperation in investigation.
3. Licensee's prevention attempts: equipment installation, staff training, oversight procedures, etc.
4. Licensee's voluntary remediation efforts: additional equipment, training, procedures, etc.

This bylaw amendment shall become effective upon passage in accordance with the provisions of the Franklin Home Rule Charter.

← February →
 DATED: January 12, 2014

VOTED: Passed
 UNANIMOUS _____
 YES 8 NO 0
 ABSTAIN _____
 ABSENT _____

A True Record Attest:
Deborah L. Pellegrini
 Deborah L. Pellegrini
 Town Clerk

Judith Pond Pfeffer
 Judith Pond Pfeffer, Clerk
 Franklin Town Council

A True Copy of the Record
 ATTEST: Nancy Danello
 Town Clerk, Franklin, MA

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

March 23, 2022

TM1 Solutions, Inc. d/b/a 7-Eleven 37380
Attn: Mohamed Hijazi, Owner/Manager
664 Union Street
Franklin, MA 02038

Re: Failed Compliance Check - Hearing Notice

Dear Mr. Hijazi,

This is a notice that the Town Council as the Local Licensing Authority for the Town of Franklin will hold a hearing pursuant to provision of M.G.L. Chapter 138 §64 to determine whether to modify, suspend, or revoke your alcoholic beverages license for violation of Massachusetts General Law, Chapter 138, §34: Sale, Delivery, or Furnishing of an alcoholic beverage to a person under the age of twenty-one, based upon an incident which, according to the Franklin Police, occurred on Wednesday, March 2, 2022 at approximately 6:16 PM at 7-Eleven located at 664 Union Street, Franklin, MA 02038.

The hearing is scheduled to take place on Wednesday, April 13, 2022 at 7:00 PM in the Council Chambers of the Municipal Building, Second Floor, 355 East Central Street, Franklin, MA 02038. You are entitled to attend and to present evidence on your behalf.

Please feel free to call the Town Administrator's Office at 508-520-4949 if you have any questions.

Sincerely,


Jamie Hellen
Town Administrator

Cc: Thomas Lynch, Police Chief
Franklin Town Council Members



FRANKLIN POLICE DEPARTMENT

Thomas J. Lynch, Chief of Police
James M. West, Deputy Chief of Police
911 Panther Way, Franklin, MA 02038
Telephone: (508) 528-1212
Fax: (508) 520-4747
www.franklinma.gov/police-department

NOTICE OF VIOLATION

LICENSEE NAME: 7 Eleven (TM1 Solutions Inc.)

ADDRESS: 664 Union St, Franklin, MA

THIS IS TO NOTIFY YOU THAT ON **MARCH 2, 2022** AT APPROXIMATELY **6:20 P.M.**, YOUR LICENSED ESTABLISHMENT WAS INVESTIGATED BY OFFICERS OF THE **FRANKLIN POLICE DEPARTMENT**, DURING WHICH TIME IT IS ALLEGED THAT YOU VIOLATED:

204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES, TO WIT: CHAPTER 138, SECTION 34, SALE OR DELIVERY OF AN ALCOHOLIC BEVERAGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE.

UNDER MGL, CHAPTER 30A, YOU HAVE THE RIGHT TO A HEARING ON THIS MATTER BEFORE THE LICENSING AUTHORITY REGARDING THIS VIOLATION.

YOU WILL BE NOTIFIED VIA CERTIFIED MAIL TO APPEAR FOR A HEARING BEFORE THE LICENSING AUTHORITY (FRANKLIN TOWN COUNCIL).

SERVICE IN HAND BY: LT. [Signature] DATE: 3/3/22
OFFICER

RECEIVED BY: [Signature] DATE: 3-3-22
LICENSEE REPRESENTATIVE



Franklin Police Department

Incident Report

911 Panther Way Franklin, MA 02038

Phone: (508) 528 - 1212 Fax: (508) 520 - 4747

Franklin Police Department

(US/Eastern)

ORI MA0111000	County Norfolk County	Venue Franklin	Report # 2022-I-00301
Report Date / Time 03/02/2022 18:20 Hrs	Occurrence Date / Time 03/02/2022 18:20 Hrs	File Class	

Nature of Incident Liquor Violation	Supplements Approved Report (1)
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Summary

Incident Location

Address 664 Union Street	City Franklin	State	ZIP	Country United States of America
County: Norfolk County	Township of Occurrence	Clery Location		
Latitude 42.067357	Longitude -71.399212	Beat	Sub-Beat	

Officers Involved

Role Reporting	Name Patrol Officer D. Gove (#GD01)	Agency Franklin Police Department	Supp # 0
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Incident People

Roles Suspect / Offender	Supp # 0	
Name HAIG, SEAN ABDUL HALIM (Primary Name)	Title	Date of Birth [REDACTED]

Race [REDACTED]	Sex [REDACTED]	Age at Occurrence [REDACTED]	DL # [REDACTED]
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Address:
[REDACTED]

Height [REDACTED]	Weight	Hair [REDACTED]	Hair Length	Skin
Eye Color	Build	Facial Hair	Date of Info 03/02/2022	

Roles Owner	Supp # 0	
Name HIJAZI, MOHAMAD A (Primary Name)	Title	Date of Birth [REDACTED]

Race [REDACTED]	Sex [REDACTED]	Age at Occurrence [REDACTED]	DL # [REDACTED]
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Cellular (Date of Info: 12/19/2019)
[REDACTED]

Address:
[REDACTED]

Height [REDACTED]	Weight	Hair	Hair Length	Skin
Eye Color	Build	Facial Hair	Date of Info 06/07/2020	

Incident Narratives

Original Narrative

Author:	Date Created:	Supp #:
Patrol Officer D. Gove #GD01	03/02/2022 1852 Hrs	0

On Wednesday March 02, 2022 Off Mucciarone and I were assigned to the East Sector Liquor Violation enforcement. We were assigned an 18 year old decoy to check compliance on stores and restaurants that sell alcohol.

At approximately 6:16 PM our decoy entered the store known as 7-11 located at #664 Union Street, Franklin MA 02038 and walked into the refrigerated section, selected a six (6) pack of Bud Light cans and approached the check out desk. The decoy placed the 6 pack on the counter and the male clerk rang up the sale at \$8.90 and the decoy paid him and left the store.

Upon the decoys return to the car he immediately turned over the 6 pack to me and I asked him if he was asked for an ID, or questioned about his age and he stated no to both.

A short time later Off Mucciarone and I returned to the 7-11 and went inside and spoke with the clerk who sold our decoy the alcohol. The clerk, identified as Sean Haig, DOB: 12/15/19623, AZ OLN# B12875291 and the manager, Mohamad Hijazi, DOB: 03/20/1964, MA OLN# S93864093 and advised them of the decoy and what happened. They were advised that they would be hearing from either the Franklin Police Department and/or the Franklin Town Council.

A photograph of the purchased 6 pack is attached to this incident and the 6 pack was destroyed as per departmental protocol.

Signed: Patrol Officer D. Gove #GD01	Reviewed: Lieutenant E. Zimmerman #ZE01
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Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

March 23, 2022

Dharma Bhakti Corporation d/b/a Liquor World
Attn: Nitant R. Raval, Manager
365 West Central Street
Franklin, MA 02038

Re: Failed Compliance Check - Hearing Notice

Dear Mr. Raval,

This is a notice that the Town Council as the Local Licensing Authority for the Town of Franklin will hold a hearing pursuant to provision of M.G.L. Chapter 138 §64 to determine whether to modify, suspend, or revoke your alcoholic beverages license for violation of Massachusetts General Law, Chapter 138, §34: Sale, Delivery, or Furnishing of an alcoholic beverage to a person under the age of twenty-one, based upon an incident which, according to the Franklin Police, occurred on Wednesday, March 2, 2022 at approximately 6:46 PM at Liquor World located at 365 West Central Street, Franklin, MA 02038.

The hearing is scheduled to take place on Wednesday, April 13, 2022 at 7:00 PM in the Council Chambers of the Municipal Building, Second Floor, 355 East Central Street, Franklin, MA 02038. You are entitled to attend and to present evidence on your behalf.

Please feel free to call the Town Administrator's Office at 508-520-4949 if you have any questions.

Sincerely,


Jamie Hellen
Town Administrator

Cc: Thomas Lynch, Police Chief
Franklin Town Council Members



FRANKLIN POLICE DEPARTMENT

Thomas J. Lynch, Chief of Police
James M. West, Deputy Chief of Police
911 Panther Way, Franklin, MA 02038
Telephone: (508) 528-1212
Fax: (508) 520-4747
www.franklinma.gov/police-department

NOTICE OF VIOLATION

LICENSEE NAME: Liquor World (Dharma Bhakti Corporation)

ADDRESS: 365 West Central St., Franklin, MA

THIS IS TO NOTIFY YOU THAT ON **MARCH 2, 2022** AT APPROXIMATELY **6:46 P.M.**, YOUR LICENSED ESTABLISHMENT WAS INVESTIGATED BY OFFICERS OF THE **FRANKLIN POLICE DEPARTMENT**, DURING WHICH TIME IT IS ALLEGED THAT YOU VIOLATED:

204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES, TO WIT: CHAPTER 138, SECTION 34, SALE OR DELIVERY OF AN ALCOHOLIC BEVERAGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE.

UNDER MGL, CHAPTER 30A, YOU HAVE THE RIGHT TO A HEARING ON THIS MATTER BEFORE THE LICENSING AUTHORITY REGARDING THIS VIOLATION.

YOU WILL BE NOTIFIED VIA CERTIFIED MAIL TO APPEAR FOR A HEARING BEFORE THE LICENSING AUTHORITY (FRANKLIN TOWN COUNCIL).

SERVICE IN HAND BY: *Lt. [Signature]* *47* DATE: *3/3/22*
OFFICER

RECEIVED BY: *[Signature]* DATE: *3/3/22*
LICENSEE REPRESENTATIVE



Franklin Police Department

Incident Report

911 Panther Way Franklin, MA 02038

Phone: (508) 528 - 1212 Fax: (508) 520 - 4747

Franklin Police
Department
(US/Eastern)

ORI MA0111000	County Norfolk County	Venue Franklin	Report # 2022-I-00303
Report Date / Time 03/02/2022 18:46 Hrs	Occurrence Date / Time 03/02/2022 18:46 Hrs		File Class

Nature of Incident Liquor Violation	Supplements Approved Report (1)
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Summary

Incident Location

Address 365 West Central Street	City Franklin	State	ZIP	Country United States of America
County: Norfolk County	Township of Occurrence	Clery Location		
Latitude 42.08838	Longitude -71.412167	Beat	Sub-Beat	

Officers Involved

Role Reporting	Name Patrol Officer T. Peabody (#PT01)	Agency Franklin Police Department	Supp # 0
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Incident People

Roles Other Contact Person	Supp # 0		
Name MAND, SAICHANDI (Primary Name)	Title	Date of Birth [REDACTED]	
Race [REDACTED]	Sex [REDACTED]	Age at Occurrence [REDACTED]	DL #

Incident Narratives**Original Narrative**

Author: Patrol Officer T. Peabody #PT01 Date Created: 03/02/2022 1947 Hrs Supp #: 0

1. On Wednesday, March 3, 2022, at approximately 6:46 pm. I, Officer Tyler J. Peabody #52, of the Franklin Police Department, along with Officer Ricci, was assigned to a plain clothes assignment to assess alcohol compliance in various establishments in the Town of Franklin. We checked compliance by using an 18 year old decoy
2. At approximately 6:46 pm, our decoy entered Liquor World, located at 365 W Central Street. The decoy picked up a 6-pack of Bud Light out of the refrigeration section and purchased the 6-pack at the front counter. The decoy used \$7 to purchase the beer, which was provided by the Franklin Police Department.
3. Upon the successful transaction, the decoy exited the store with the 6-pack of Bud Light and Officer Ricci took possession. The decoy was not asked to provide an ID nor was he questioned about his age.
4. A short time later, Officer Ricci and I returned to Liquor World and spoke with the cashier. The cashier was identified as Saichandi Mand. There was no manager present. We advised him that the owner would be hearing from either the Franklin Police Department or the Franklin Town Council in the near future.
5. A photograph was taken of the 6-pack and attached to the incident. The 6-pack was destroyed per departmental protocol.

Respectfully Submitted,

Officer Tyler Peabody

Signed: Patrol Officer T. Peabody #PT01

Reviewed: Lieutenant E. Zimmerman #ZE01

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

March 23, 2022

Jimmy D's LLC d/b/a Jimmy D's
Attn: James A. Devito, Owner/Manager
338 Union Street
Franklin, MA 02038

Re: Failed Compliance Check - Hearing Notice

Dear Mr. Devito,

This is a notice that the Town Council as the Local Licensing Authority for the Town of Franklin will hold a hearing pursuant to provision of M.G.L. Chapter 138 §64 to determine whether to modify, suspend, or revoke your alcoholic beverages license for violation of Massachusetts General Law, Chapter 138, §34: Sale, Delivery, or Furnishing of an alcoholic beverage to a person under the age of twenty-one, based upon an incident which, according to the Franklin Police, occurred on Wednesday, March 2, 2022 at approximately 6:59 PM at Jimmy D's located at 338 Union Street, Franklin, MA 02038.

The hearing is scheduled to take place on Wednesday, April 13, 2022 at 7:00 PM in the Council Chambers of the Municipal Building, Second Floor, 355 East Central Street, Franklin, MA 02038. You are entitled to attend and to present evidence on your behalf.

Please feel free to call the Town Administrator's Office at 508-520-4949 if you have any questions.

Sincerely,


Jamie Hellen
Town Administrator

Cc: Thomas Lynch, Police Chief
Franklin Town Council Members



FRANKLIN POLICE DEPARTMENT

Thomas J. Lynch, Chief of Police
James M. West, Deputy Chief of Police
911 Panther Way, Franklin, MA 02038
Telephone: (508) 528-1212
Fax: (508) 520-4747
www.franklinma.gov/police-department

NOTICE OF VIOLATION

LICENSEE NAME: Jimmy D's (Jimmy D's LLC)

ADDRESS: 338 Union St., Franklin, MA

THIS IS TO NOTIFY YOU THAT ON **MARCH 2, 2022** AT APPROXIMATELY **6:59 P.M.**, YOUR LICENSED ESTABLISHMENT WAS INVESTIGATED BY OFFICERS OF THE **FRANKLIN POLICE DEPARTMENT**, DURING WHICH TIME IT IS ALLEGED THAT YOU VIOLATED:

204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES, TO WIT: CHAPTER 138, SECTION 34, SALE OR DELIVERY OF AN ALCOHOLIC BEVERAGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE.

UNDER MGL, CHAPTER 30A, YOU HAVE THE RIGHT TO A HEARING ON THIS MATTER BEFORE THE LICENSING AUTHORITY REGARDING THIS VIOLATION.

YOU WILL BE NOTIFIED VIA CERTIFIED MAIL TO APPEAR FOR A HEARING BEFORE THE LICENSING AUTHORITY (FRANKLIN TOWN COUNCIL).

SERVICE IN HAND BY: LT. E. [Signature] DATE: 3/3/22
OFFICER

RECEIVED BY: [Signature] DATE: 3/3/2022
LICENSEE REPRESENTATIVE



Franklin Police Department

Incident Report

911 Panther Way Franklin, MA 02038

Phone: (508) 528 - 1212 Fax: (508) 520 - 4747

Franklin Police Department

(US/Eastern)

ORI MA0111000	County Norfolk County	Venue Franklin	Report # 2022-I-00304
Report Date / Time 03/02/2022 18:59 Hrs	Occurrence Date / Time 03/02/2022 18:58 Hrs	File Class	

Nature of Incident Liquor Violation	Supplements Approved Report (2)
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Summary

Incident Location

Address 338 Union	City Franklin	State	ZIP	Country United States of America
County: Norfolk County	Township of Occurrence	Clery Location		
Latitude 42.07694	Longitude -71.403603	Beat	Sub-Beat	

Officers Involved

Role Reporting	Name Patrol Officer T. Peabody (#PT01)	Agency Franklin Police Department	Supp # 0
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Incident People

Roles Other Contact Person	Supp # 0			
Name SHEA, MADISON A (Primary Name)	Title	Date of Birth		
Race				
Sex	Age at Occurrence	DL #		
Address:				
Height	Weight	Hair	Hair Length	Skin
Eye Color	Build	Facial Hair	Date of Info	

Incident Narratives

Original Narrative

Author: **Patrol Officer T. Peabody #PT01** Date Created: **03/02/2022 2011 Hrs** Supp #: **0**

1. On Wednesday, March 3, 2022, at approximately 6:57 pm. I, Officer Tyler J. Peabody #52, of the Franklin Police Department, along with Officer Ricci, was assigned to a plain clothes assignment to assess alcohol compliance in various establishments in the Town of Franklin. We checked compliance by using an 18 year old decoy
2. At approximately 6:57 pm, our decoy entered Jimmy D's, located at 338 Union Street. The decoy sat down at the bar and asked the female bartender for a bud light. She then served him a bud light bottle. The decoy used \$10 to purchase the beer, which was provided by the Franklin Police Department. Immediately after being served, the decoy placed a \$10 bill on the counter and left.
3. Upon the successful transaction, the decoy exited the bar and informed Officer Ricci and I that he was served a beer. The decoy was not asked to provide an ID nor was he questioned about his age.
4. A short time later, Officer Ricci and I returned to Jimmy D's and spoke with the bartender. The bartender was identified as Madison Shea. There was no manager present. We advised her that the owner would be hearing from either the Franklin Police Department or the Franklin Town Council in the near future.

Respectfully Submitted,

Officer Tyler Peabody

Signed: Patrol Officer T. Peabody #PT01

Reviewed: Lieutenant E. Zimmerman #ZE01

Supplement #1 Narrative

Author: **Patrol Officer T. Peabody #PT01** Date Created: **03/02/2022 2021 Hrs** Supp #: **1**

FPD Buyer Report Uploaded

Signed: Patrol Officer T. Peabody #PT01

Reviewed: Lieutenant E. Zimmerman #ZE01

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

DATE: April 7, 2022
TO: Town Council
FROM: Department of Planning and Community Development
RE: MBTA Multi-Family Zoning

In January 2021, the Massachusetts Legislature adopted an Economic Development Bond Bill that made changes to the State's Zoning Act. The Housing Choices sections of the bill included adding Section 3A that require each "MBTA Community" to zone for multifamily housing by right. Text from Section 3A is attached.

As required by the new Section A, Massachusetts DHCD is required to develop regulations that include guidelines to determine if an MBTA community is in compliance with the new law. DPCD released the draft regulations in December 2021 and the public comment period ended on March 31, 2021.

Each MBTA Community is required to present and discuss the MBTA draft Guidance at a meeting of the Board of Selectmen or City/Town Council. A short presentation on the Guidance will be shown at the April 13th Town Council meeting.

The Draft Guidelines can be found on the Mass.gov website at:

<https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>

As Franklin Town Council is aware, the Town has contracted with the Metropolitan Area Planning Council to perform a Zoning Audit, a Public Visioning Process, and develop recommendations on possible Zoning Bylaw amendments. The MBTA Communities multifamily zoning requirements are being addressed as part of that work.

Specific recommendations for potential Zoning changes, including how best to address the new MBTA Communities requirements, will be developed over the summer and into the fall. The Town shouldn't have a difficult time addressing the MBTA Communities requirements.

Section 3A of M.G.L. c. 40A

- (a) (1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall:
 - (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and
 - (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.
- (b) An MBTA community that fails to comply with this section shall not be eligible for funds from:
 - (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017;
 - (ii) the Local Capital Projects Fund established in section 2E of chapter 29; or
 - (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.
- (c) The department of housing and community development, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, shall promulgate guidelines to determine if an MBTA community is in compliance with this section.

New Multifamily Zoning Requirement for MBTA Communities

Department of Planning & Community Development

April 13, 2022

Confronting the Housing Crisis

Over the last few years the Baker Administration has worked with the State Legislature and various State agencies to address the current housing crisis.

A variety of programs have been developed and laws have been passed; one such law is the reason for this presentation.

As part of the Economic Development Bill, in January 2021, the State enacted a new Section 3A of M.G.L. c. 40A (the Zoning Act), which requires that an “MBTA Community” permit multi-family housing as of right, by meeting certain criteria.

MBTA Guidelines

Section 3A requires that an MBTA community shall have at least one zoning district of **reasonable size** in which multi-family housing is permitted as of right and meets other criteria set forth in the statute:

- Minimum gross density of 15 housing units per acre
- Not more than ½ mile from a commuter rail station, subway station, ferry terminal or bus station, if applicable.
- No age restrictions
- Suitable for families with children.

DHCD has drafted implementation Guidelines; one requirement of each MBTA Community is to present the Draft Guidelines to the Town Council, which is the reason for this presentation.

Reasonable Size: Land Area & Unit Capacity

The draft guidelines outline a two-part test to determine **reasonable size**:

- 1. Minimum Land Area:** multi-family districts must comprise at least 50 acres of land within 0.5 mile of a transit station - with a **minimum gross density of 15 units per acre**, subject to any further limitations imposed by relevant aspects of the state environmental code.
- 2. Minimum Multi-Family Unit Capacity:** The multi-family unit capacity is a number of units based on a percentage of total housing units within the community. Franklin has 12,551 (2020 Census) and as a MBTA Community with Commuter Rail Service, and is required to have a Zoning District(s) that would allow at least 15% in density for multi-family housing.

Franklin's Minimum Unit Capacity has been calculated to be 1,883 units.

(12,551 total 2020 housing units x 15% = 1,883 multifamily housing units)

Location of Districts

The statute provides that “a district of reasonable size shall. . . be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.”

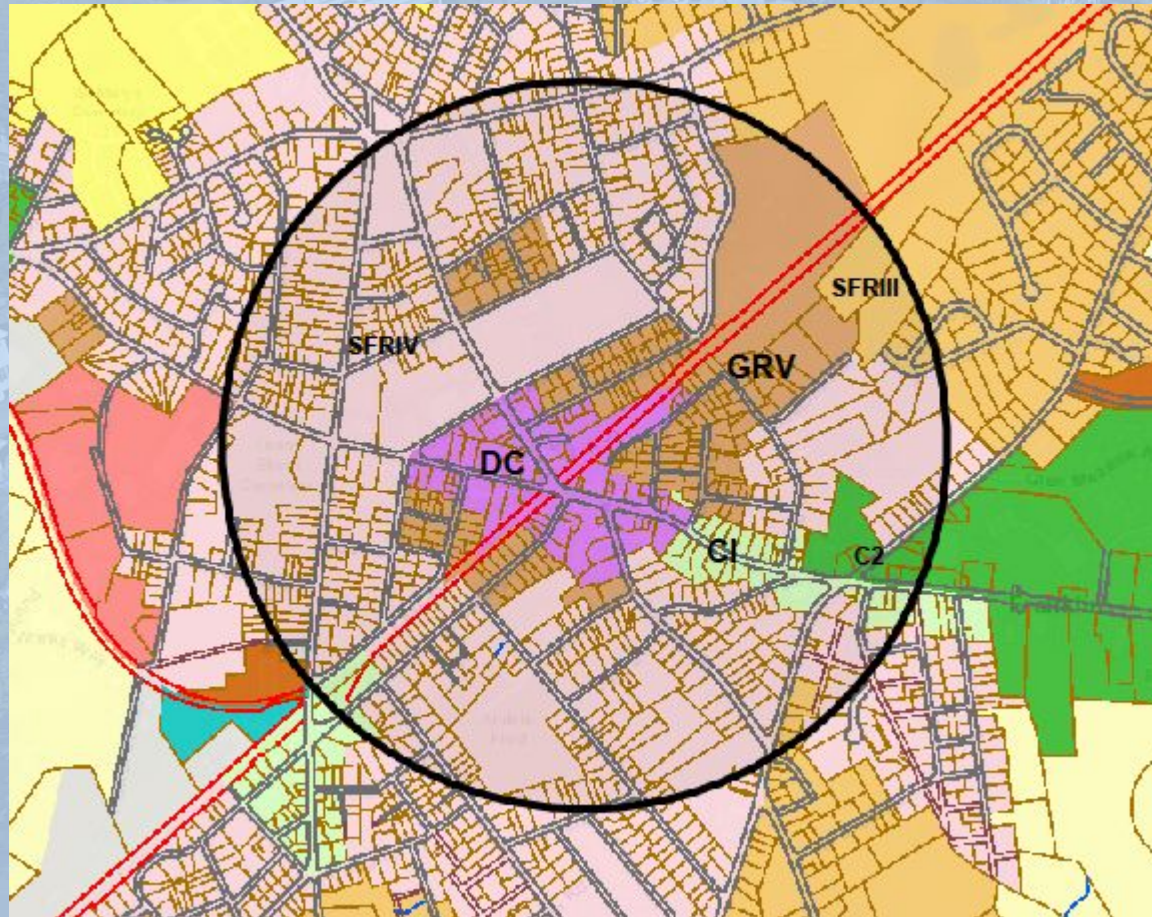
DHCD Draft Guidelines state:

MBTA communities with some land area within 0.5 miles of a transit station:

Require at least ½ of land of the as of right multi-family zoning district to be located within the prescribed distance.

Note that several districts can be included in the 0.5 mile distance, such as Downtown Commercial, Commercial I and General Residential V.

Location of Districts



Area Within Half Mile Radius Of Downtown MBTA Station

At least $\frac{1}{2}$ of land of the
As-of-Right Multifamily
Zoning District be
located within the
prescribed distance.

Draft Guidelines & Current Requirements

Public Process (December 15-March 31):

The State recently went through a Public input process.

Many Communities had concerns with different aspects of the Guidelines.

Public comment period ended on March 31, 2022.

MBTA Communities are required to complete an online “MBTA Community Information Form” by May 2nd, 2022

This online form includes some straightforward requests for Franklin:

Provide basic information about existing zoning; and

Discuss the MBTA draft guidance at a meeting of the Town Council.

How to comply in 2022

MBTA communities will be deemed to achieve interim compliance if it completes the online form by May 2nd, 2022.

If we remain in compliance with the Draft Regulations we will remain eligible for the 2022 MassWorks & Housing Choice Community Grants

Final Guidelines:

Once final guidelines are developed, communities will be expected to take affirmative steps towards the creation of a compliant multi-family district.

Deadline for having a compliant zoning district as proposed in the **draft guidelines** will be phased-in:

- 2023 for subway and bus communities
- 2024** for commuter rail and MBTA adjacent communities

Relationship to Current Zoning Project

The MBTA Communities multifamily zoning requirements are being addressed as part of the “Franklin For All” project.

- The Town’s consultants will develop recommendations on possible Zoning Bylaw amendments that may be required to meet MBTA Communities Requirements.
- Specific recommendations for potential Zoning changes, including how best to address the new MBTA Communities requirements, will be developed over the summer and into the fall.

The Town shouldn’t have a difficult time addressing the MBTA Communities requirements.

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

April 8, 2022

To: Town Council
From: Jamie Hellen, Town Administrator
Alecia Alleyne, Assistant to the Town Administrator

Re: **Resolution 22-26: Acceptance of Easement on Property at 732 Washington Street**

The action before the Council is to approve Resolution 22-26, to accept a permanent easement, approximately 48 sq. ft. in size, located at 732 Washington Street. The owners have agreed to grant this easement to the Town as part of the Town's plan for improvements at the intersection of Washington Street and Grove Street. Approving this step will allow the Town to move forward with construction this summer of the intersection traffic light.

For more information please see the attached Grant of Easement as well as a sketch plan of the land.

Please feel free to contact us if you have any questions.



**TOWN OF FRANKLIN
RESOLUTION 22-26
ACCEPTANCE OF EASEMENT ON PROPERTY AT
732 WASHINGTON STREET**

WHEREAS, Matthew J. Gordon and Angela Rofino Gordon are the owners of a certain parcel of land located at 732 Washington Street in Franklin described in a deed dated December 29, 1995 and recorded at Norfolk Registry of Deeds in Book 11172, Page 495 and

WHEREAS, Matthew J. Gordon and Angela Rofino Gordon, having agreed to grant to Town of Franklin a permanent easement over, under, and through that portion of Grantors' land shown as "8 ft Long by 6 ft Wide Signal Easement #2 Area = 48 sf ±" on a sketch plan of land captioned "Plan of Easements for A.M. 322 Lot 35 Washington Street and Grove Street Intersection Improvements, Franklin, Mass", said easement area containing 48 square feet, more or less, according to said plan, executed a Grant of Easement to the Town of Franklin together with a copy of said sketch plan attached as "Exhibit A", for nominal consideration, on March 23, 2022, a true copy of said Grant of Easement being attached hereto as "Exhibit 1".

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

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

DATED: _____, 2022

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

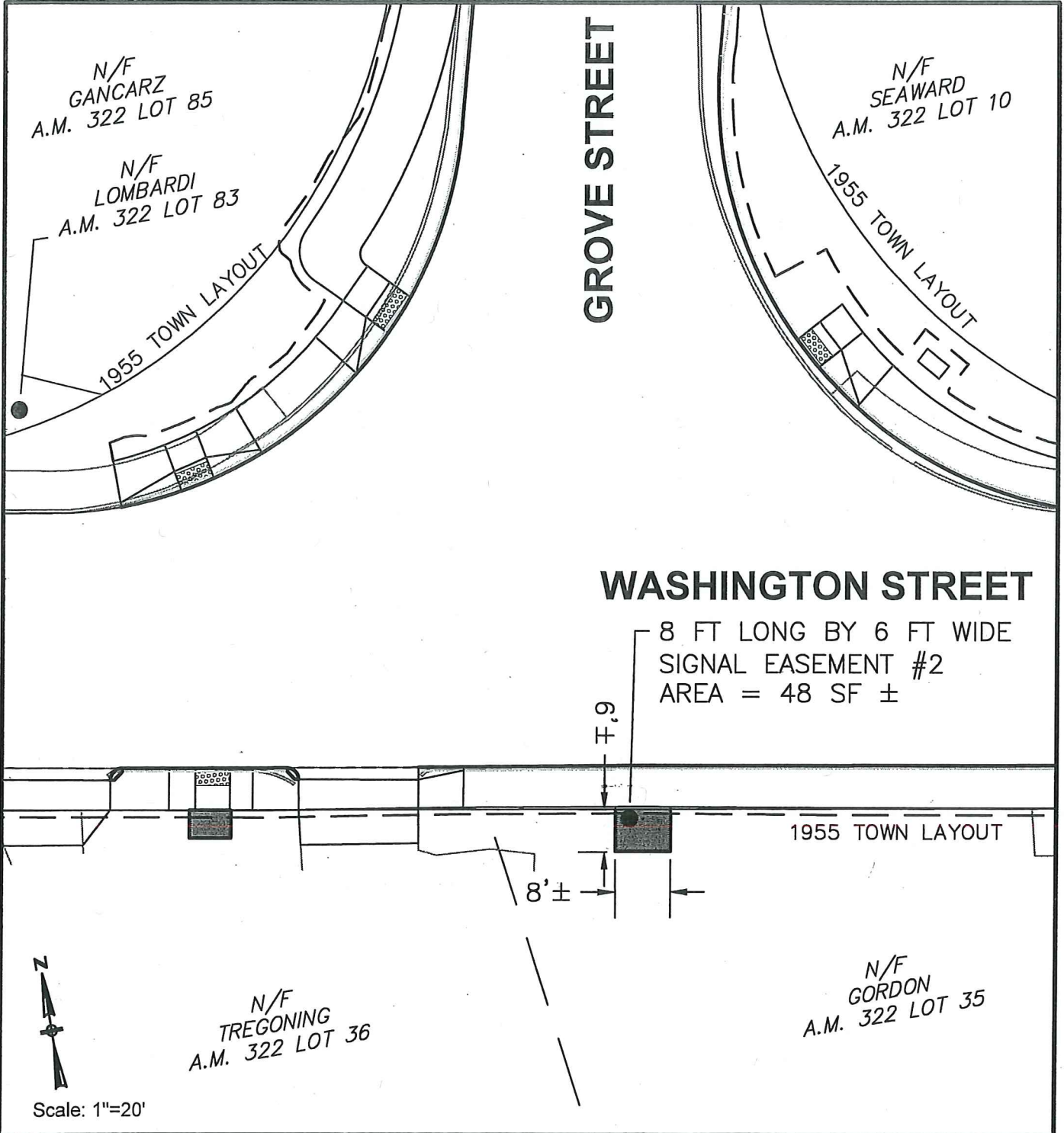
ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

EXHIBIT A



Town of Franklin, MA
Department of Public Works
Engineering Division
257 Fisher Street
Franklin, MA 02038

Plan of Easements
for A.M. 322 LOT 35
Washington Street and Grove Street
Intersection Improvements
Franklin, Mass



www.BETA-inc.com

EXHIBIT 1

Property Address: 732 Washington Street, Franklin, MA 02038

GRANT OF EASEMENT

We, **Matthew J. Gordon and Angela Rofino Gordon**, husband and wife as Tenants by the Entirety, both of 732 Washington Street, Franklin, Massachusetts (“Grantors”) owners of the real property located at 732 Washington Street, Franklin, Massachusetts,

in consideration of ONE DOLLAR,

GRANT to the **Town of Franklin**, a municipal corporation with administrative offices located in the Franklin Municipal Building, 355 East Central Street Franklin, Norfolk County, Massachusetts, a permanent easement over under and through that portion of Grantors’ land shown as “8 ft Long by 6 ft Wide Signal Easement #2 Area = 48 sf ±” on a Plan of Land captioned “Plan of Easements for A.M. 322 Lot 35 Washington Street and Grove Street Intersection Improvements, Franklin, Mass”, a copy of which is attached hereto as “Exhibit A”, said easement area containing 48 square feet, more or less, according to said plan (the “Easement Area”). Included in the foregoing grant of easement is the right to use said Easement Area as part of the public right of way for the purpose of constructing and maintaining a traffic signal in the Town of Franklin.

Grantors shall not relocate said easement without first obtaining Grantee’s written consent to said relocation.

The Grantors, for themselves and their successors in title, covenants that they shall not permit any use within said Easement Area described herein which is inconsistent with this Grant of Easement including, but not limited to, the erection of any structures of any kind or performing any act which will impair the function and purpose of said Grant of Easement.

For Grantors’ title, see deed dated December 29, 1995, and recorded in Book 11172 Page 495 at the Norfolk County Registry of Deeds.

Witness our hands and seals the execution this 23 day of March, 2022.



Matthew J. Gordon


Angela Rofino Gordon

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

On this 23rd day of March, 2022, before me, the undersigned notary public, personally appeared, **Matthew J. Gordon** and **Angela Rofino Gordon**, each proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purpose.


Notary Public
My commission expires:

