



FRANKLIN TOWN COUNCIL

October 11, 2017

7:00 PM

A. APPROVAL OF MINUTES – *September 13, 2017*

B. ANNOUNCEMENTS –

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

C. PROCLAMATIONS/RECOGNITIONS

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

E. APPOINTMENTS

F. HEARINGS -

G. LICENSE TRANSACTIONS - *Shaw's - Change of Manager and New Officer*

H. PRESENTATIONS/DISCUSSIONS

I. SUBCOMMITTEE REPORTS

J. LEGISLATION FOR ACTION

1. *Resolution 17-62: Acceptance of Gift – Franklin Fire Department (**Motion to Move Resolution 17-62 – Majority vote (5)**)*
2. *Resolution 17-63: Acceptance of Gift – Franklin Police Department (**Motion to Move Resolution 17-63 – Majority vote – (5)**)*
3. *Resolution 17-64: Request to Town of Norfolk Zoning Board of Appeals to Request a Traffic Study of the Intersection of Mill Street and Chestnut Street in Franklin (**Motion to Move Resolution 17-64 – Majority vote (5)**)*
4. *Bylaw Amendment 17-796: Chapter 63, Buildings, Numbering Of – 2nd Reading (**Motion to Move Bylaw Amendment 17-796 – Majority Roll Call vote (5)**)*
5. *Zoning Bylaw Amendment 17-797: Setbacks for Accessory Buildings and Structures – 2nd Reading (**Motion to Move Zoning Bylaw Amendment 17-797 – 2/3 Majority Roll Call vote (6)**)*

K. TOWN ADMINISTRATOR'S REPORT

L. FUTURE AGENDA ITEMS

M. COUNCIL COMMENTS

N. EXECUTIVE SESSION

O. ADJOURN

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
September 13, 2017**

A meeting of the Town Council was held on Wednesday, September 13, 2017 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Glenn Jones, Matthew Kelly, Thomas Mercer, Peter Padula, Deborah Pellegrini, Robert Vallee. Councilors absent: Judith Pond Pfeffer. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Jamie Hellen, Deputy Town Administrator; Mark Cerel, Town Attorney.

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

► **MOTION to Designate** Councilor Glenn Jones as clerk pro tempore for the Town Council meeting of September 13, 2017 by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

APPROVAL OF MINUTES: August 9, 2017. ► **MOTION to Approve** the August 9, 2017 meeting minutes by **Mercer. SECOND** by **Padula. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

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

PROCLAMATIONS/RECOGNITIONS: ► *Swearing in of Firefighters.* ■ Fire Chief Gary McCarraher introduced the department's two newest firefighter/paramedics, Brian Hamann and Matthew Starkey. He provided background and career information about Firefighters Hamann and Starkey. ■ Teresa Burr, Town Clerk, performed the swearing in. ■ Chairman Kelly welcomed the new firefighters. ■ Chief McCarraher stated the department has 46 line personnel and is in process of trying to get two more.

Chairman Kelly called a two-minute recess.

CITIZEN COMMENTS: ► Town Clerk Teresa Burr gave updates on important upcoming election dates. Election day is Tuesday, November 7, 2017 from 6:00 am to 8:00 pm. Candidates night is tentatively scheduled for Tuesday, October 17, 2017; more information will follow.

APPOINTMENTS: *None.*

HEARINGS: Zoning Bylaw Amendment 17-795: Zoning Map Changes from Business and Commercial II to Single Family Residential IV and Commercial I, in an Area on or near Union, Cottage and Saxon Streets.

Mr. Bissanti recused himself.

► **MOTION to Open** the hearing by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **Chairman Kelly declared the hearing open.** ► Mr. Nutting stated this is a proposal to move some zoning lines that make more sense than the existing zoning that has been there for as long as anyone can remember. In many cases, the current zones split people's property in half and there is commercial land in residential land. They are proposing to redefine zoning lines so that the Mill Store is in business and Franklin Paint Store is in industrial as well as do away with Commercial II in that area because there is not a single lot that meets that criteria. He reviewed the map of the proposed zone cleanup. He noted that the Planning Board did not recommend this change. He thinks it is based on not having a parking requirement for the

CI zone. He stated that he thinks this zoning bylaw amendment should go forward as presented and the next Town Council, as part of their review, should consider the pros and cons of having a minimum parking requirement for CI. This has been an ongoing issue for over a decade. He recommended this move forward. ► Mr. Brent Bulock, 17 Wachusett Street, stated that it appears that the proposal includes rezoning a piece of property off Cottage Street from residential to commercial and asked why would this be done; there is currently a residential house on the lot. There are people trying to move to Franklin with little housing supply; he does not think that turning residential property to commercial would be in the best interest of Franklin. ► Mr. Nutting stated he thinks Mr. Bulock is talking about the south side of Cottage Street, lot 287-054 and -053. He stated the property owner made a written request to have the properties included in the zone. ► **MOTION to Close the hearing by Mercer. SECOND by Padula. No Discussion.** ► **VOTE: Yes-7, No-0, Absent-1.** ► Mr. Nutting stated that the first reading is later in tonight's agenda. Two readings are required to adopt a zoning change.

Mr. Bissanti re-entered the meeting.

LICENSE TRANSACTIONS: ► *Ashadeep, Inc. d/b/a Union Street Wine & Liquors – Change in Officer/Director, Transfer of Stock.* ► Mr. Jones read the license transaction. ► **MOTION to Approve** the change in Officers/Directors to Mahendra Patel and Kanchan Patel, and the Transfer of Stock to Mahendra Patel and Kanchan Patel, for the Ashadeep, Inc. d/b/a/ Union Street Wine & Liquors All Alcoholic Beverages Package Store license by **Jones. SECOND by Mercer. Discussion:** ► Mr. Matthew Porter, Attorney representing Ashadeep, Inc., stated this is just an internal transfer of stock. He noted that Jack Patel, the president of Ashadeep, Inc., was present. He said that nothing is changing as far as the business is concerned; this is an ABCC requirement. He reviewed the underage sale issues in 2012 and 2013 in a store they owned in Harwich; they no longer own that store. ► Mr. Bissanti confirmed the applicant will be doing TIPS certification. ► **VOTE: Yes-8, No-0, Absent-1.**

► **99 Restaurant – Change in Officer/Director.** ► Mr. Jones read the license transaction. ► **MOTION to Approve** the Change of Officers/Directors for the 99 Restaurant of Boston LLC pursuant to the instructions sent by the ABCC by **Jones. SECOND by Mercer. Discussion:** ► Mr. Cerel stated this is a formality and there is really not a choice in approving it; it has no effect on the local operation. ► Mr. Nutting stated this is all being handled by the ABCC. ► Mr. Bissanti stated he thinks this local Franklin restaurant should have sent a manager to be present at this meeting even though it is a formality. ► Chairman Kelly stated he agrees with Mr. Bissanti. ► Mr. Mercer **Withdrew** his **SECOND.** ► Mr. Padula confirmed there is no choice and this has to be voted to be approved. ► Mr. Cerel stated this is a carry-over procedure; and therefore, it must be endorsed by the Town Council. ► **MOTION to Table** to the September 27, 2017 Town Council meeting at 7:10 PM, the Change of Officers/Directors for the 99 Restaurant of Boston LLC pursuant to the instructions sent by the ABCC by **Mercer. SECOND by Bissanti. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

PRESENTATIONS/DISCUSSIONS: ► *Franklin 4th of July Committee.* ► Mr. Paul Kortick, and Mr. Joe Carmignani, co-chairs of the 4th of July Coalition, addressed the Town Council and discussed the next 4th of July regarding logistics, scheduling, and the differences expected between this coming year and last year. They are going to do everything they can to bring back the fireworks; they have been speaking with American Thunder Fireworks, Inc. ► Mr. Nutting noted the co-chairs had a meeting with the police and fire departments working out the fireworks logistics tentatively scheduled for July 3, 2018. ► The co-chairs talked about how they can be reached and reviewed email addresses. ► Mr. Carmignani noted that paying for the fireworks and paying for the police and fire details is an extra \$45,000. They are doing fundraising for this, but may have to ask the Town to evaluate if they can provide some assistance to compensate for the police and fire details which are expected to be about \$20,000. ► Mr. Kortick reviewed the average profit and items that must be paid for. He said he believes they net about \$4,000-\$5,000. He reviewed donations such as by Garelick and the need for fundraising. ► Town Council

members thanked Mr. Kortick and Mr. Carmignani for taking this on especially at the last minute and for doing such a wonderful job. They also discussed collaborating with other events. ► Ms. Pellegri suggested thinking about possibly the Town helping this effort and putting aside some money for it in the budget. Some big supporters are needed to keep this going. ► Mr. Dellorco agreed with Ms. Pellegri about the Town trying to help out; fundraising is the hardest part. The fireworks will be held on the baseball field. ► Mr. Mercer recommended DPW be involved with location of the fireworks on the field. ► Chairman Kelly thanked Mr. Kortick and Mr. Carmignani for taking over and he thanked the previous coalition for all their hard work.

SUBCOMMITTEE REPORTS: *None.*

LEGISLATION FOR ACTION:

1. ***Resolution 17-52: Transfer of Two Town-Owned Parcels of Vacant Land to Care, Etc., of the Conservation Commission (Motion to Move Resolution 17-52 – 2/3 majority vote (6)).*** ► Mr. Jones read the resolution. ► **MOTION to Move Resolution 17-52: Transfer of Two Town-Owned Parcels of Vacant Land to Care, Etc., of the Conservation Commission by Mercer. SECOND by Padula. Discussion:** ► Mr. Nutting stated the treasurer foreclosed on about 14 pieces of property. From his perspective, it only made sense to transfer two of those parcels to the Conservation Commission; one is on Brook Street at entrance into current conservation land, the other immediately abuts other conservation land. ► **VOTE: Yes-8, No-0, Absent-1.**

2. ***Resolution 17-53: Dissolution of Horace Mann Statue Committee. (Motion to Move Resolution 17-53 – majority vote (5)).*** ► Mr. Jones read the resolution. ► **MOTION to Move Resolution 17-53: Dissolution of Horace Mann Statue Committee by Mercer. SECOND by Dellorco. Discussion:** ► Mr. Nutting stated this is just a formality. ► Town Council members stated a great job was done by the committee. ► Ms. Pellegri stated everyone worked well together and she thanked all those who helped. ► **VOTE: Yes-8, No-0, Absent-1.**

3. ***Resolution 17-54: Franklin Green Community Designation. (Motion to Move Resolution 17-54 – majority vote (5)).*** ► Mr. Jones read the resolution. ► **MOTION to Move Resolution 17-54: Franklin Green Community Designation by Mercer. SECOND by Padula. Discussion:** ► Mr. Hellen stated that they are requesting the Town Council approve two resolutions tonight that will allow the Town to apply to be designated as a Green Community by the Commonwealth. Combined with previous actions by the Town, these two resolutions achieve all five criteria outlined by the state to become a certified Green Community. Once designated as a Green Community, the Town will receive approximately \$200,000 grant award which would be used to assist in paying for the LED streetlight retrofit. He thanked those who worked hard to put these pieces together for the Town. He introduced Ms. Kelly Brown from Mass. Department of Energy Resources who oversees the Green Community Program. ► Ms. Brown explained that more than \$80 million has been given out in grant funding over the past seven years for projects. She reviewed other towns that have received grant funding. ► Mr. Gus Brown, Building Commissioner, reviewed the stretch energy code as codified by the Board of Building Regulations and Standards. He stated that this code has been adopted by many communities in the area. ► Mr. Hellen explained the plan to slowly over time replace old vehicles in the Town's fleet with energy efficient vehicles. ► Mr. Nutting stated he thinks this is a great idea for the Town. ► Chairman Kelly stated he is a cynic, although he would vote Yes for this. He thinks it will cost people building a house in Franklin more money and he is worried about buying electric cars. He sees this will be a capital item for needing hubs or ports in front of buildings. ► **VOTE: Yes-8, No-0, Absent-1.**

4. **Bylaw Amendment 17-796: Chapter 63, Buildings, Numbering of – 1st Reading. (Motion to Move Bylaw Amendment 17-796 to a 2nd Reading – majority vote (5)).** ► Mr. Jones read the bylaw amendment. ► **MOTION to Move Bylaw Amendment 17-796: Chapter 63, Buildings, Numbering of, to a 2nd Reading by Mercer. SECOND by Padula. Discussion:** ► Mr. Hellen stated this was just talked about. ► **VOTE: Yes-8, No-0, Absent-1.**
5. **Zoning Bylaw Amendment 17-795R: Zoning Map Changes from Business and Commercial II to Single Family Residential IV and Commercial I, in an Area on or near Union, Cottage and Saxon Streets – 1st Reading (Motion to Move Zoning Bylaw Amendment 17-795R to a 2nd Reading - majority vote (5)).**

Mr. Bissanti recused himself.

► **MOTION to Waive the reading by Mercer. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-7, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 17-795R: Zoning Map Changes from Business and Commercial II to Single Family Residential IV and Commercial I, in an Area on or near Union, Cottage and Saxon Streets to a 2nd reading by Mercer. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-7, No-0, Absent-1.**

Mr. Bissanti re-entered the meeting.

6. **Zoning Bylaw Amendment 17-797: Setbacks for Accessory Buildings and Structures – Referral to the Planning Board. (Motion to Refer Zoning Bylaw Amendment 17-797 to the Planning Board – majority vote (5)).** ► Mr. Jones read the zoning bylaw amendment. ► **MOTION to Refer Zoning Bylaw Amendment 17-797: Setbacks for Accessory Buildings and Structures to the Planning Board by Mercer. SECOND by Padula. Discussion:** ► Mr. Nutting stated this is to clean up language with conflicting 10 ft. or 15 ft. setbacks; the bylaw conflicts with itself. This would make it a consistent 10 ft. ► Mr. Brown stated this is just a discrepancy in the definitions. This makes a lot of sense with 10 ft. across the board. He explained that another bylaw is also included in the definition regarding the height of the structure which requires it to be that distance away from the setback and overrules this bylaw. ► Mr. Padula thanked Mr. Brown for all his hard work. ► **VOTE: Yes-8, No-0, Absent-1.**

TOWN ADMINISTRATOR’S REPORT: ► **Update on Town Council Goals.** ► Mr. Nutting stated he had provided in the Town Council members’ packets a status update of the two-year goals established by the Town Council as traditionally set after elections. These were the goals and suggestions determined in the Town Council Workshop in January 2016. He would expect that after this election the Town Council would be doing this again in January 2018.

FUTURE AGENDA ITEMS: *None.*

COUNCIL COMMENTS: ► Mr. Dellorco gave condolences to the Nasuti family for their loss. Harvey Nasuti was a great man and will be missed. ► Mr. Bissanti gave condolences to the Nasuti family. He stated the Elks did a great job on their flag display and thanked them. ► Mr. Jones thanked everyone that came out for the swearing in of the firefighters. ► Ms. Pellegrini stated her thoughts and prayers are with Houston, Florida and the islands. She wondered if there is something that can be done to help by Franklin. She said she would talk to Mr. Nutting about this. ► Mr. Padula gave condolences to the Nasuti family. He mentioned all those still without power in Florida. ► Mr. Mercer and Mr. Vallee offered condolences to the Nasuti family. ► Chairman Kelly gave condolences to the Nasuti family and Carlucci family.

EXECUTIVE SESSION: *None.*

ADJOURN: MOTION to Adjourn by Mercer. SECOND by Jones. No Discussion. ► VOTE: Yes-8, No-0, Absent-1. Meeting adjourned at 8:27 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary



LICENSE TRANSACTIONS:

Shaw's Supermarkets, Inc.

This is an application by Shaw's Supermarkets, Inc. for a change of Manager to William M. Nasif and for a Change of Officer to Gary R. Morton on their Wine and Malt Beverages Package Store License.

MOTION: Move to approve the Change of Manager to William M. Nasif and Change of Officer to Gary R. Morton on the Shaw's Supermarkets, Inc. Wine and Malt Beverages Package Store License.

DATED: _____, 2017

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

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



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

AMENDMENT APPLICATION FOR A CHANGE OF MANAGER

The following documentation is required as a part of your retail license application.

ABCC investigators reserve the right to request additional documents as a part of their investigation.

- [Monetary Transmittal Form](#) with \$200 fee
You can [PAY ONLINE](#) or include a \$200 check made out to the ABCC
- Change of Manager Amendment Application (this packet)
- CORI Authorization Form
For the manager of record AND any individual with direct or indirect interest in the proposed licensee. This form must be notarized with a stamp*
- Proof of Citizenship for proposed manager of record
Passport, US Birth Certificate, Naturalization Papers, Voter Registration
- Vote of the Corporate Board
A corporate vote appointing the manager of record, signed by an authorized signatory for the proposed licensed entity
- Additional Documents Required by the Local Licensing Authority



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

043000033
ABCC License Number

Franklin
City/Town

10/03/2017
Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

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

APPLICANT INFORMATION

Name of Licensee: Shaw's Supermarkets, Inc. D/B/A: _____

ADDRESS: 250 Park Center Blvd. CITY/TOWN: Boise STATE: ID ZIP CODE: 83706

Manager: William M. Nasif

Granted under Special Legislation? Yes No

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

\$15 Package Store (i.e. restaurant, package store) Type
Annual (Annual or Seasonal) Class
Wines and Malt Beverages (i.e. Wines and Malts / All Alcohol) Category

LOCAL LICENSING AUTHORITY DECISION

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

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

Mon-Sat: 8:00 am - 11:00 pm
Sun: 10:00 am - 11:00 pm

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

Please indicate if the LLA is downgrading the License Category (approving only Wines and Malts if applicant applied for All Alcohol):

Changes to the Premises Description	Indoor Area Total Square Footage	<input type="text"/>	Floor Number	Square Footage	Number of Rooms
	Patio/Deck/Outdoor Area Total Square Footage	<input type="text"/>			
	Seating Capacity	<input type="text"/>			
	Number of Entrances	<input type="text"/>			
	Number of Exits	<input type="text"/>			

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

Please add any additional remarks or conditions here:

Check here if you are attaching additional documentation

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

Judith Pond Pfeffer
Clerk,
Franklin Town Council

10/11/2017

Date APPROVED by LLA



250 E. Parkcenter Blvd.
Boise, Idaho 83706-3940

September 26, 2017

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

Regarding: ABCC #043000033

To whom it may concern:

Please change the manager at our Shaws store located at 255 E Central Street,
Franklin, MA from James M. Burns to William M. Nasif effective immediately.

Thank you,

Gary R. Morton
Vice President, Treasurer & Assistant Secretary
Shaw's Supermarkets, Inc.



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

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM

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

ECRT CODE: RETA

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

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

CHECK NUMBER

IF USED EPAY, CONFIRMATION NUMBER

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

LICENSEE NAME

ADDRESS

CITY/TOWN

TRANSACTION TYPE (Please check all relevant transactions):

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

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

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



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

AMENDMENT APPLICATION FOR A CHANGE OF MANAGER

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

1. NAME OF LICENSEE (Business Contact) Shaw's Supermarkets, Inc.

ABCC License Number 043000033 City/Town of Licensee Boise ID

2. APPLICATION CONTACT

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

First Name: Marty Middle: Jayne Last Name: Frederick

Title: Tax Associate Primary Phone: 208-685-8413

Email: licensgroup@supervalu.com

3. BUSINESS CONTACT

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

Entity Name: N/A

Primary Phone: Fax Number:

Alternative Phone: Email:

Business Address (Corporate Headquarters)

Street Number: 250 Street Name: Parkcenter Blvd

City/Town: Boise State: ID

Zip Code: 83706 Country: USA

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

Street Number: Street Name:

City/Town: State:

Zip Code: Country:

APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGES LICENSE

4. MANAGER CONTACT

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

Salutation Mr. First Name William Middle Name M Last Name Nasif Suffix

Social Security Number

Date of Birth

Primary Phone:

Email: s@7581.dir@shaws.com

Mobile Phone:

Place of Employment Shaw's Supermarket

Alternative Phone:

Fax Number 508-918-1058 #7581

Citizenship / Residency / Background Information of Proposed Manager

Are you a U.S. Citizen? Yes No

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

If yes, attach an affidavit that lists your convictions with an explanation for each

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

If yes, percentage of interest

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

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

- If yes, please indicate type of Interest (check all that apply):
- Officer
 - Stockholder
 - LLC Member
 - Partner
 - Contractual
 - Management Agreement
 - Sole Proprietor
 - LLC Manager
 - Director
 - Landlord
 - Revenue Sharing
 - Other

Please indicate how many hours per week you intend to be on the licensed premises 50

Employment Information of Proposed Manager

Please provide your employment history for the past 10 years

Date(s)	Position	Employer	Address	Phone
<u>1990-2016</u>	<u>Various Positions</u>	<u>Stop & Shop inc.</u>	<u>1385 Hancock St Quincy</u>	<u>1800 767 7772</u>
<u>1990-1996</u>	<u>PT clerk</u>	<u>"</u>	<u>"</u>	
<u>1996-2005</u>	<u>Department head</u>	<u>"</u>	<u>"</u>	
<u>2005-2003</u>	<u>Assistant store manager</u>	<u>"</u>	<u>"</u>	
<u>2013-2016</u>	<u>Store Manager</u>	<u>"</u>	<u>"</u>	

Prior Disciplinary Action of Proposed Manager

Have you ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following: NO

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

William Nasif

Overview

I am a motivated professional in the Supermarket Industry with 25+ Years of solid retail experience, 7 years as a department head, 8 Years as an Assistant Store Manager, and 3 years as a Store Manager. I am a hardworking, knowledgeable, team player that is well organized, detailed, and enthusiastic.

I am looking to explore leadership opportunities in a retail environment.

Education

Milford High School, Milford, MA

High School Diploma, Class of 1990

Massachusetts Bay Community College, Wellesley Hills, MA

1990-1991

Westfield State College 1992-1994

Experience: Store Manager 2013- Feb 2016 Stop and Shop

- Accountable for the sales, profit, merchandising, maintenance, and sanitation of 4 corners of the building as well working with in a union environment, and a complete understanding of State and Federal employment laws.
- Leads by example with my focus on Customer Service.
- I am responsible for regulatory compliance with all state, local, and federal laws as well as internal audit teams.
- I maintain strong, positive leadership for store associates while providing feedback, and accountability for performance and results.
- I identified, developed, trained, and mentored many associates for key positions within the Company.

Assistant Store Manager 2005-2013 Stop and Shop

- As an ASM in addition to my day to day role running the store, I took part in many Store remodels, expansions, and conversions.

Department Manager 1999-2005 Stop and Shop

- As a Grocery Manager, I ran several high volume departments, developed staff, worked with trade partners, and delivered inventory results.

References are available upon request.

APPLICANT'S STATEMENT

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

of Shaw's Supermarkets, Inc. hereby submit this application for Change of Manager
Name of the Entity/Corporation Transaction(s) you are applying for

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

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

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

Signature: [Handwritten Signature]

Date: 9-18-17

Title: Tax Associate

Commonwealth of Massachusetts

Town of Milford

March 18, 1999

This is to certify that the records in the office of the Town Clerk show that William Michael Wood child of James M. Wood Sr. and Carol A. Wood was born on the 18 day of March in Milford.

ATTEST

(James O. Bird)
Town Clerk



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

AMENDMENT APPLICATION FOR A CHANGE OF BENEFICIAL INTEREST OR
 TRANSFER/ISSUANCE OF STOCK

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

1. NAME OF LICENSEE (Business Contact)

ABCC License Number: City/Town of Licensee:

2. APPLICATION CONTACT

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

First Name: Middle: Last Name:

Title: Primary Phone:

Email:

3. BUSINESS CONTACT

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

Entity Name:

Primary Phone: Fax Number:

Alternative Phone: Email:

Business Address (Corporate Headquarters)

Street Number: Street Name:

City/Town: State:

Zip Code: Country:

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

Street Number: Street Name:

City/Town: State:

Zip Code: Country:

**AMENDMENT APPLICATION FOR A CHANGE OF BENEFICIAL INTEREST OR
TRANSFER/ISSUANCE OF STOCK**

4. CURRENT OWNERSHIP (Before Change in Beneficial Interest)

Please list all individuals or entities with a direct or indirect, beneficial or financial interest in this license. This pertains to the current licensee (before change in beneficial interest occurs).

Name	Title / Position	% Owned	Other Beneficial Interest
N/A	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		

PROPOSED OWNERSHIP (After Change in Beneficial Interest)

Please list all individuals or entities with a direct or indirect, beneficial or financial interest in this license.

An individual or entity has a direct beneficial interest in a license when the individual or entity owns or controls any part of the license. For example, if John Smith owns Smith LLC, a licensee, John Smith has a direct beneficial interest in the license.

An individual or entity has an indirect beneficial interest if the individual or entity has 1) any ownership interest in the license through an intermediary, no matter how removed from direct ownership, 2) any form of control over part of a license no matter how attenuated, or 3) otherwise benefits in any way from the license's operation. For Example, Jane Doe owns Doe Holding Company Inc., which is a shareholder of Doe LLC, the license holder. Jane Doe has an indirect interest in the license.

- A. All individuals listed below are required to complete a Beneficial Interest Contact - Individual form.
- B. All entities listed below are required to complete a Beneficial Interest Contact - Organization form.
- C. Any individual with any ownership in this license and/or the proposed manager of record must complete a CORI Release Form.

Name	Title / Position	% Owned	Other Beneficial Interest
Gary Morton	Vice President, Treasurer <input type="checkbox"/>	0	
	Assistant Secretary <input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		

APPLICANT'S STATEMENT

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

of Shaw's Supermarkets, Inc., hereby submit this application for Change of Beneficial Interest
Name of the Entity/Corporation Transaction(s) you are applying for

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

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

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

Signature: [Handwritten Signature]

Date: 9-26-17

Title: Tax Associate

ALCOHOLIC BEVERAGES CONTROL COMMISSION

BENEFICIAL INTEREST CONTACT - Individual (continued)

Ownership / Interest

Using the definition above, do you hold a direct Direct Indirect or indirect interest in the proposed licensee?

If you hold a direct beneficial interest in the proposed licensee, please list the % of interest you hold.

If you hold an indirect beneficial interest in this license, please complete the Ownership / Interest Table below.

Ownership / Interest

If you hold an indirect interest in the proposed licensee, please list the organization(s) you hold a direct interest in which, in turn, hold a direct or indirect interest in the proposed licensee. These generally include parent companies, holding companies, trusts, etc. A Beneficial Interest - Organization Form will need to be completed for each entity listed below.

Name of Beneficial Interest - Organization	FEIN
N/A	

Other Beneficial Interest

List any indirect or indirect beneficial or financial interest you have in any other Massachusetts Alcoholic Beverages License(s).

Name of License	Type of License	License Number	Premises Address
N/A	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		

Familial Beneficial Interest

Does any member of your immediate family have ownership interest in any other Massachusetts Alcoholic Beverages Licenses? Immediate family includes parents, siblings, spouse and spouse's parents. Please list below.

Relationship to You	ABCC License Number	Type of Interest (choose primary function)	Percentage of Interest
N/A			

Prior Disciplinary Action

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

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

ALCOHOLIC BEVERAGES CONTROL COMMISSION

BENEFICIAL INTEREST CONTACT - Individual (Formerly known as a Personal Information Form)

Please complete a Beneficial Interest - Individual sheet for all individual(s) who have a direct or indirect beneficial interest, with or without ownership, in this license. This includes people with a financial interest and people without financial interest (i.e. board of directors for not-for-profit clubs). All individuals with direct or indirect financial interest must also submit a CORI Authorization Form.

An individual with direct beneficial interest is defined as someone who has interest directly in the proposed licensee. For example, if ABC Inc is the proposed licensee, all individuals with interest in ABC Inc are considered to have direct beneficial interest in ABC Inc (the proposed licensee).

An individual with indirect beneficial interest is defined as someone who has ownership in a parent level company of the proposed licensee. For example, if ABC Inc is the proposed licensee and is 100% owned by XYZ Inc, all individuals with interest in XYZ Inc are considered to have an indirect beneficial interest in ABC Inc (the proposed licensee).

Salutation First Name Middle Name Last Name Suffix

Title: Social Security Number Date of Birth

Primary Phone: Email:

Mobile Phone: Fax Number

Alternative Phone:

Business Address

Street Number: Street Name:

City/Town: State:

Zip Code: Country:

Mailing Address

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

Street Number: Street Name:

City/Town: State:

Zip Code: Country:

Types of Interest (select all that apply)

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

Citizenship / Residency Information

Are you a U.S. Citizen? Yes No Are you a Massachusetts Resident? Yes No

Criminal History

Have you ever been convicted of a state, federal, or military crime? Yes No If yes, please provide an affidavit explaining the charges.



The Commonwealth of Massachusetts

Secretary of the Commonwealth

State House, Boston, Massachusetts 02133

William Francis Galvin
Secretary of the
Commonwealth

December 28, 2001

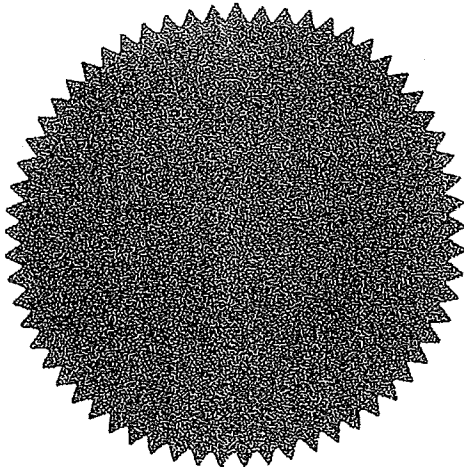
TO WHOM IT MAY CONCERN:

I hereby certify that according to the records of this office,

SHAW'S SUPERMARKETS, INC.

is a domestic corporation organized on **July 10, 1920**, under the General Laws of the Commonwealth of Massachusetts.

I further certify that there are no proceedings presently pending under the Massachusetts General Laws Chapter 156B section 101 for said corporation's dissolution; that articles of dissolution have not been filed by said corporation; that, said corporation has filed all annual reports, and paid all fees with respect to such reports, and so far as appears of record said corporation has legal existence and is in good standing with this office.



In testimony of which,
I have hereunto affixed the
Great Seal of the Commonwealth
on the date first above written.

William Francis Galvin

Secretary of the Commonwealth

*MGL Chapter 156B Section 83A provides that certain consolidations and mergers may be filed with the division within thirty days after the effective date of the merger or consolidation.





STATE OF VERMONT
OFFICE OF SECRETARY OF STATE

Certificate of Good Standing

I, Deborah L. Markowitz, Secretary of State of the State of Vermont, do hereby certify that according to the records of this office

SHAW'S SUPERMARKETS, INC.

*a corporation formed under the laws of the State of Massachusetts
was filed for record in this office on September 1, 1995.*

I further certify that the corporation has perpetual duration, that its most recent annual report is on file, and that articles of dissolution have not been filed.

January 3, 2002

*Given under my hand and the seal
of the State of Vermont, at
Montpelier, the State Capital*

A handwritten signature in cursive script, appearing to read "Deborah L. Markowitz".

Deborah L. Markowitz
Secretary of State



#31 - \$150.
023 - 8500.
031 - 75.
#8725.

Sm
Examiner

The Commonwealth of Massachusetts

MICHAEL JOSEPH CONNOLLY
Secretary of State
ONE ASHBURTON PLACE, BOSTON, MASS: 02108

FEDERAL IDENTIFICATION
NO. 04-1123420

RESTATED ARTICLES OF ORGANIZATION

General Laws, Chapter 156B, Section 74

This certificate must be submitted to the Secretary of the Commonwealth within sixty days after the date of the vote of stockholders adopting the restated articles of organization. The fee for filing this certificate is prescribed by General Laws, Chapter 156B, Section 114. Make check payable to the Commonwealth of Massachusetts.

We, David B. Jenkins
Robert L. Eklund

President, Secretary and
Clerk/Assistant Clerk of

..... Shaw's Supermarkets, Inc.
(Name of Corporation)

located at 140 Laurel Street, East Bridgewater, Massachusetts, 02333....

do hereby certify that the following restatement of the articles of organization of the corporation was duly adopted at a meeting held on May 29 1985, by vote of 235,046 shares of Common Stock out of 23,310,524 shares outstanding, (Class of Stock) shares of out of shares outstanding, and (Class of Stock) shares of out of shares outstanding, (Class of Stock)

being at least two-thirds of each class of stock outstanding and entitled to vote and of each class or series of stock adversely affected thereby: -

1. The name by which the corporation shall be known is: -
Shaw's Supermarkets, Inc.

2. The purposes for which the corporation is formed are as follows: -

SEE CONTINUATION SHEET 2A

C
P
M
RA

11
P.C.

Note: If the space provided under any article or item on this form is insufficient, additions shall be set forth on separate 8 1/2 x 11 sheets of paper leaving a left hand margin of at least 1 inch for binding. Additions to more than one article may be continued on a single sheet so long as each article requiring each such addition is clearly indicated.

3. The total number of shares and the par value, if any, of each class of stock which the corporation is authorized to issue is as follows:

<u>CLASS OF STOCK</u>	<u>WITHOUT PAR VALUE</u>		<u>WITH PAR VALUE</u>	
	<u>NUMBER OF SHARES</u>	<u>NUMBER OF SHARES</u>	<u>NUMBER OF SHARES</u>	<u>PAR VALUE</u>
Preferred				
Common		30,000,000		\$1.00 per share

4. If more than one class is authorized, a description of each of the different classes of stock with, if any, the preferences, voting powers, qualifications, special or relative rights or privileges as to each class thereof and any series now established:

None

5. The restrictions, if any, imposed by the articles of organization upon the transfer of shares of stock of any class are as follows:

None

6. The provisions, if any, for the conduct and regulation of the business and affairs of the corporation, or for limiting, defining, or regulating the powers of the corporation, or of its officers, directors, or stockholders, or of any class of stockholders.

SEE CONTINUATION SHEETS 6A through 7

CONTINUATION SHEET 2A

To maintain markets for the purchase, sale and delivery of meats, poultry, game and all kinds of food supplies

To carry on a meat, provision, grocery and general mercantile business, and particularly to purchase, sell and generally deal in groceries, game, fish, poultry, meats, provisions and general merchandise, and to carry on the above business and do the above things, both at wholesale and at retail, as owners, commission merchants, factors, agents, brokers, dealers and in every other capacity whatsoever; to lease, purchase, acquire, hold, erect, equip, operate and maintain buildings, stores, cold storage and other warehouses and such other real and personal property as the laws of the Commonwealth of Massachusetts permit and as the Corporation may think necessary or convenient for the purposes of its business, to purchase, acquire, sell or otherwise dispose of good will, rights, property and assets of all kinds, and generally to carry on any other business which may seem to the Corporation capable of being conveniently carried on in connection with any of the above purposes or calculated directly or indirectly to enhance the value of, or render profitable any of the Corporation's business, property, or rights so far as the same shall be permitted by the laws of the Commonwealth of Massachusetts.

To acquire by purchase and subscription, or otherwise, to hold for investment or otherwise, to use and to sell, assign, transfer, mortgage, pledge, or otherwise dispose of, any stock, bonds, or other securities or evidences of indebtedness of any corporation, whether of the Commonwealth of Massachusetts, or of any other state, territory, or country, and while owner thereof to exercise all the rights, powers and privileges of ownership, including the right to vote upon any stock so acquired; to aid in any manner any corporation whose stock, bonds or other obligations are held or in any manner guaranteed by the Corporation, and to do any other acts or things for the preservation, protection, improvement, or enhancement of the value of any such stock, bonds, or other obligations, or to do any other acts or things designed for such purpose.

To be a partner in any partnership and to do any and all things and to exercise any and all powers which a partner or a partnership or a natural person could do and exercise as principal, agent, partner, contractor or otherwise in furtherance of these purposes, as now or hereafter may be authorized by the laws governing business corporations.

CONTINUATION SHEET 6A

1. The board of directors is authorized and empowered from time to time, in its discretion, to make, amend or repeal the by-laws, in part or in whole, except with respect to any provision thereof which by law or the by-laws requires action by the stockholders.

2. The board of directors shall have full power and authority to determine the terms and manner of issue, including, but not limited to, the consideration therefor, and to issue or cause the issue of all shares of capital stock of the Corporation now or from time to time hereafter authorized.

3. Meetings of stockholders may be held outside the Commonwealth of Massachusetts at such location within the United States as the board of directors may determine. The books of the Corporation may be kept (subject to any provision contained in the statutes) at such place or places within the Commonwealth of Massachusetts as may be designated from time to time by the board of directors or in the by-laws of the Corporation. Election of directors need not be by ballot unless so requested by any stockholder entitled to vote thereon.

4. Each director and each officer elected by the stockholders (including persons elected by directors to fill vacancies in the Board of Directors or in any such offices), and each former director or officer, and the heirs, executors, administrators and assigns of each of them, shall be indemnified by the Corporation against all costs and expenses, including fees and disbursements of counsel and the cost of settlements (other than amounts paid to the Corporation itself) reasonably incurred by or imposed upon him in connection with or arising out of any action, suit or proceeding, civil or criminal, in which he may be involved by reason of his being or having been an officer or a director of the Corporation, or by reason of his serving or having served at its request with respect to any employee benefit plan, or by reason of any action alleged to have been taken or omitted by him as a director or an officer of the Corporation, or by reason of his serving or having served at its request with respect to any employee benefit plan.

Officers elected by the directors but who are not directors, or persons serving at its request with respect to any employee benefit plan, and employees and other agents of the Corporation (including persons who serve at its request as directors or officers of another organization) and each such former officer,

person serving with respect to any employee benefit plan, employee and agent, and the heirs, executors, administrators and assigns of each of them, may be indemnified by the Corporation to whatever extent authorized by the Board of Directors.

No indemnification shall be provided to any person, or to his heirs, executor, administrator or assigns, with respect to any matter as to which he shall have been finally adjudicated in any action, suit or proceeding not to have acted in good faith in the reasonable belief that his action was in the best interests of the Corporation or, to the extent that such matter relates to service with respect to an employee benefit plan, in the best interests of the participants or beneficiaries of such employee benefit plan.

The Corporation may pay the expenses incurred by a director, officer, employee or person serving with respect to an employee benefit plan in defending any such action, suit or proceeding in advance of the final disposition thereof, upon receipt of an undertaking by the person indemnified to repay such payment if he shall be adjudicated to be not entitled to indemnification as provided in this Article 6, which undertaking may be accepted without reference to the financial ability of such person to make repayment.

Without limiting the generality of the foregoing, no director or officer of the Corporation shall be liable to any person on account of any action undertaken by him as such director or officer in reliance in good faith upon information, opinions, reports or records, including financial statements, books of account and other financial records, in each case presented by or prepared by or under the supervision of (1) one or more officers or employees of the Corporation whom the director or officer reasonably believes to be reliable and competent in the matters presented, or (2) counsel, public accountants or other persons as to matters which the director or officer reasonably believes to be within such person's professional or expert competence, or (3) in the case of a director, a duly constituted committee of the board of directors upon which he does not serve, as to matters within its delegated authority, which committee the director reasonably believes to merit confidence.

The foregoing indemnification shall not be exclusive of any other rights or indemnification for which any such director, officer, employee or agent may be entitled.

The board of directors may purchase and maintain insurance on behalf of any person who is or was a director, officer, trustee, employee or other agent of the Corporation, or is or was serving at the request of the Corporation with respect to

any employee benefit plan or as a director, officer, trustee, employee or other agent of another corporation of which the Corporation is or was a stockholder or creditor, against any liability incurred by him in any such capacity or arising out of his status as such, whether or not the Corporation would have the power to indemnify him against such liability.

5. The directors shall have the power to fix from time to time their compensation. No person shall be disqualified from holding any office by reason of any interest. In the absence of fraud, any director, officer or stockholder of the Corporation individually or any individual having any interest in any concern which is a stockholder of the Corporation, or any concern in which any of such directors, officers, stockholders or individuals has any interest, may be a party to, or may be pecuniarily or otherwise interested in, any contract, transaction or other act of the Corporation, and

- (1) such contract, transaction or act shall not be in any way invalidated or otherwise affected by that fact;
- (2) no such director, officer, stockholder or individual shall be liable to account to the Corporation for any profit or benefit realized through any such contract, transaction or act; and
- (3) any such director of the Corporation may be counted in determining the existence of a quorum at any meeting of the directors or of any committee thereof which shall authorize any such contract, transaction or act, and may vote to authorize the same;

provided, however, that any contract, transaction or act in which any director or officer of the Corporation is so interested individually or as a director, officer, trustee or member of any concern which is not a subsidiary or affiliate of the Corporation, or in which any directors or officers are so interested as holders, collectively, of a majority of shares of capital stock or other beneficial interest at the time outstanding in any concern which is not a subsidiary or affiliate of the Corporation, shall be duly authorized or ratified by a majority of the directors who are not so interested, to whom the nature of such interest has been disclosed and who have made any findings required by law;

the term "interest" including personal interest and interest as a director, officer, stockholder, shareholder, trustee, member or beneficiary of any concern;

the term "concern" meaning any corporation, association, trust, partnership, firm, person or other entity other than the Corporation; and

the phrase "subsidiary or affiliate" meaning a concern in which a majority of the directors, trustees, partners or controlling persons is elected or appointed by the directors of the Corporation, or is constituted of the directors or officers of the Corporation.

To the extent permitted by law, the authorizing or ratifying vote of the holders of a majority of the shares of each class of the capital stock of the Corporation outstanding and entitled to vote for directors at any annual meeting or a special meeting duly called for the purpose (whether such vote is passed before or after judgment rendered in a suit with respect to such contract, transaction or act) shall validate any contract, transaction or act of the Corporation, or of the board of directors or any committee thereof, with regard to all stockholders of the Corporation, whether or not of record at the time of such vote, and with regard to all creditors and other claimants under the Corporation; provided, however, that

- A. with respect to the authorization or ratification of contracts, transactions or acts in which any of the directors, officers or stockholders of the Corporation have an interest, the nature of such contracts, transactions or acts and the interest of any director, officer or stockholder therein shall be summarized in the notice of any such annual or special meeting, or in a statement or letter accompanying such notice, and shall be fully disclosed at any such meeting;
- B. the stockholders so voting shall have made any findings required by law;
- C. stockholders so interested may vote at any such meeting except to the extent otherwise provided by law; and
- D. any failure of the stockholders to authorize or ratify such contract, transaction or act shall not be deemed in any way to invalidate the same or to deprive the Corporation, its directors, officers or employees of its or their right to proceed with such contract, transaction or act.

No contract, transaction or act shall be voided by reason of any provision of this paragraph 5 which would be valid but for such provision or provisions.

6. In furtherance, and not in limitation, of the purposes enumerated in Article 2 hereof, the Corporation shall have all the powers conferred by the laws of The Commonwealth of Massachusetts, provided that no such power shall be exercised in a manner inconsistent with the Business Corporation Law or any other applicable provision of Massachusetts law.

7. Except as may be otherwise provided herein, the Corporation reserves the right to amend, alter, change or repeal any provision contained in these articles of organization in the manner now or hereafter prescribed by statute, and all rights conferred upon stockholders herein are granted subject to this reservation.

8. No stockholder shall have any right to examine any property or any books, accounts or other writings of the Corporation if there is reasonable ground for belief that such examination will for any reason be adverse to the interests of the Corporation, and a vote of the directors refusing permission to make such examination and setting forth that in the opinion of the directors such examination would be adverse to the interests of the Corporation shall be prima facie evidence that such examination would be adverse to the interests of the Corporation. Every such examination shall be subject to such reasonable regulations as the directors may establish in regard thereto.

9. The directors may specify the manner in which the accounts of the Corporation shall be kept and may determine what constitutes net earnings, profits and surplus, what amounts, if any, shall be reserved for any corporate purpose, and what amounts, if any, shall be declared as dividends. Unless the board of directors otherwise specifies, the excess of the consideration for any share of its capital stock with par value issued by it over such par value shall be paid-in surplus. The board of directors may allocate to capital stock less than all of the consideration for any share of its capital stock without par value issued by it, in which case the balance of such consideration shall be paid-in surplus. All surplus shall be available for any corporate purpose, including the payment of dividends.

10. The purchase or other acquisition or retention by the Corporation of shares of its own capital stock shall not be deemed a reduction of its capital stock. Upon any reduction of capital or capital stock, no stockholder shall have any right to demand any distribution from the Corporation, except as and to the extent that the stockholders shall have provided at the time of authorizing such reduction.

11. The Corporation may carry on business operations or activities through a wholly or partly owned subsidiary and may be a partner in any business enterprise which it would have power to conduct by itself.

12. The directors of the Corporation shall be divided into three classes, Class A, Class B and Class C. Each class shall consist of one-third of the number of directors and the members of each such class shall be elected to hold office (except for the initial Class A and Class B directors) until the annual meeting of the stockholders occurring in the third calendar year following the calendar year in which they are elected.

*We further certify that the foregoing restated articles of organization effect no amendments to the articles of organization of the corporation as heretofore amended, except amendments to the following articles Article 3 & Article 6 (Sections 2 to 11)

("If there are no such amendments, state "None".)

Briefly describe amendments in space below:

- Section 2 (authorizes Board of Directors to issue stock)
- Section 3 (location of shareholder meetings outside the Commonwealth; location of books and records; election of Directors by ballot)
- Section 4 (indemnification of Directors, officers and others; standard of care of Directors and officers; purchase of insurance)
- Section 5 (dealings of Directors, officers or shareholders with the Corporation)
- Section 6 (additional powers of the Corporation)
- Section 7 (amendments of Articles of Organization)
- Section 8 (examination of books and records by stockholders)
- Section 9 (manner of keeping accounts and payment of dividends)
- Section 10 (reduction of stock)
- Section 11 (conducting business through subsidiaries or partnerships)

WON APPROVED

IN WITNESS WHEREOF AND UNDER THE PENALTIES OF PERJURY, we have hereto signed our names this

Eighth

day of

July

in the year 19 86

David J. Lewis
.....
Robert J. [unclear]
.....

President/Vice President

Sec. /Assistant Sec.

39312

1317

THE COMMONWEALTH OF MASSACHUSETTS

RESTATED ARTICLES OF ORGANIZATION

(General Laws, Chapter 156B, Section 74)

I hereby approve the within restated articles of organization and, the filing fee in the amount of \$ 8,725.00 having been paid, said articles are deemed to have been filed with me this 22nd day of July, 19 86.

Michael Joseph Connolly
MICHAEL JOSEPH CONNOLLY
Secretary of State

A TRUE COPY ATTEST
William Francis Galvin
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
DATE 12/05/80 CLERK CO

TO BE FILLED IN BY CORPORATION

PHOTO COPY OF RESTATED ARTICLES OF ORGANIZATION TO BE SENT

TO: W. Lee H. Dunham, Esq.
Sullivan & Worcester
One Post Office Square
BOSTON, MA 02109
Telephone 338-2262

Copy Mailed

036-75



Examiner

The Commonwealth of Massachusetts

OFFICE OF THE MASSACHUSETTS SECRETARY OF STATE

MICHAEL JOSEPH CONNOLLY, Secretary

FEDERAL IDENTIFICATION

ONE ASHBURTON PLACE, BOSTON, MASS. 02108

NO. 04-1123420

ARTICLES OF AMENDMENT

General Laws, Chapter 156B, Section 72

This certificate must be submitted to the Secretary of the Commonwealth within sixty days after the date of the vote of stockholders adopting the amendment. The fee for filing this certificate is prescribed by General Laws, Chapter 156B, Section 114. Make check payable to the Commonwealth of Massachusetts.

We, David B. Jenkins, President/Vice President, and
Robert L. Eklund, Clerk/Assistant Clerk of

Shaw's Supermarkets, Inc.
(Name of Corporation)

located at 140 Laurel Street, East Bridgewater, MA 02333

Name
Approved

do hereby certify that the following amendment to the articles of organization of the corporation was duly adopted at a meeting held on June 3, 1987, by vote of

10,615,047 shares of Common out of 12,143,271 shares outstanding,
(Class of Stock)
shares of _____ out of _____ shares outstanding, and
(Class of Stock)
shares of _____ out of _____ shares outstanding,
(Class of Stock)

being at least a ~~majority of the total shares outstanding and entitled to vote thereon~~
CROSS OUT two-thirds of each class outstanding and entitled to vote thereon and
INAPPLICABLE of each class or series of stock whose rights are adversely affected
CLAUSE thereby.

- C
- P
- M

For amendments adopted pursuant to Chapter 156B Section 70
For amendments adopted pursuant to Chapter 156B Section 71

Note: If the space provided under any Amendment or item on this form is insufficient, additions shall be set forth on separate sheets of paper leaving a left hand margin of at least 1 inch for binding. Additions to more than one Amendment may be continued on a single sheet so long as each Amendment requiring each such addition is clearly indicated.

PC

100 101


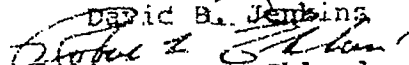
Article 6 is hereby amended to add a new paragraph 13. to provide as follows:


13. No Director shall be personally liable to the Corporation or any stockholder for monetary damages for breach of fiduciary duty as a director, except, in addition to any and all other requirements for such liability, (i) for any breach of such director's duty of loyalty to the Corporation or its stockholders, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) to the extent provided under Section Sixty One or Sixty Two of Chapter 156B of the Massachusetts General Laws, or (iv) for any transaction for which such director derived an improper personal benefit. Neither the amendment nor repeal of this paragraph nor the adoption of any provision of these Articles of Organization inconsistent with this paragraph shall reduce or eliminate the effect of this paragraph in respect of any matter occurring, or any cause of action, suit or claim that, but for this paragraph, would accrue or arise, prior to such amendment, repeal or adoption of an inconsistent provision.

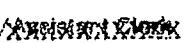
The foregoing amendment will become effective when these articles of amendment are filed in accordance with Chapter 156B, Section 6 of The General Laws unless these articles specify, in accordance with the vote adopting the amendment, a later effective date not more than thirty days after such filing, in which event the amendment will become effective on such later date.

IN WITNESS WHEREOF AND UNDER THE PENALTIES OF PERJURY, we have hereto signed our names this

3rd day of June, in the year 19 87


David B. Jenkins

Robert L. Eklund

President 

Clerk 

4519

-17371

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CORPORATION
1987 JUN -5 PM 3:28
CORPORATION

THE COMMONWEALTH OF MASSACHUSETTS

ARTICLES OF AMENDMENT

(General Laws, Chapter 156b, Section 72)

I hereby approve the within articles of amendment and, the filing fee in the amount of \$75.00 having been paid, said articles are deemed to have been filed with me this 5th day of June, 1987.

A TRUE COPY ATTEST
William Francis Galvin
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
DATE 10/20/87 CLERK ED

Michael Joseph Connolly
MICHAEL JOSEPH CONNOLLY
Secretary of State

TO BE FILLED IN BY CORPORATION
PHOTO COPY OF AMENDMENT TO BE SENT

TO: W. Lee H. Dunham, Esq.
Sullivan & Worcester
One Post Office Square
22nd Floor
Boston, MA 02109
Telephone 338-2869



TOWN OF FRANKLIN

RESOLUTION 17-62

Acceptance of Gift – Town of Franklin Fire Department

WHEREAS, the Town of Franklin wishes to accept a gift of \$3,500 from Digital Federal Credit Union in support of the Franklin Fire Department's efforts in providing programs that will make a difference.

NOW THEREFORE, BE IT RESOLVED THAT: The Town Council of the Town of Franklin on behalf of the Fire Department gratefully accepts this gift and thanks Digital Federal Credit Union for their continued support of the Franklin Fire Department.

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

DATED: _____, 2017

VOTED: _____

UNANIMOUSLY: _____

A TRUE RECORD ATTEST:

YES: ____ **NO:** ____

ABSTAIN: ____ **ABSENT:** ____

Teresa M. Burr
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council



RECEIVED SEP 15 2017
FFD - tch

September 12, 2017

Franklin Fire Department
40 W Central Street
Franklin MA 02038

To Whom It May Concern,

On behalf of Digital Federal Credit Union, I am pleased to provide Franklin Fire Department with the enclosed check for \$3,500. This donation represents DCU's support of your organization's efforts in providing programs that will make a difference.

As a socially responsible organization, DCU is committed to partnering with other organizations, such as yours that make a difference in the communities we serve. The purpose of this donation is to give back to our communities by supporting programs offered by your organization. The donation is not a sponsorship or an opportunity for DCU to market our credit union. We hope that our contribution makes a difference to the people you serve in our communities.

Thank you for all that you do. Please feel free to mail any questions and/or inquiries to Digital Federal Credit Union, Attn: Diana Taxiera, 220 Donald Lynch Blvd., Marlborough, MA 01752.

For further information about DCU and our branch locations, or communities we serve, please visit our website at www.dcu.org.



TOWN OF FRANKLIN

RESOLUTION 17-63

Acceptance of Gift – Town of Franklin Police Department

WHEREAS, the Town of Franklin wishes to accept a gift of \$3,500 from Digital Federal Credit Union for the Franklin Police Department in support of the Police Department’s efforts in providing programs that will make a difference.

NOW THEREFORE, BE IT RESOLVED THAT: The Town Council of the Town of Franklin on behalf of the Police Department gratefully accepts this gift and thanks Digital Federal Credit Union for their continued support of the Franklin Police Department and their programs.

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

DATED: _____, 2017

VOTED: _____

UNANIMOUSLY: _____

A TRUE RECORD ATTEST:

YES: ___ **NO:** ___

ABSTAIN: ___ **ABSENT:** ___

Teresa M. Burr
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council



September 12, 2017

Franklin Police Department
911 Panther Way
Franklin MA 02038

To Whom It May Concern,

On behalf of Digital Federal Credit Union, I am pleased to provide Franklin Police Department with the enclosed check for \$3,500. This donation represents DCU's support of your organization's efforts in providing programs that will make a difference.

As a socially responsible organization, DCU is committed to partnering with other organizations, such as yours that make a difference in the communities we serve. The purpose of this donation is to give back to our communities by supporting programs offered by your organization. The donation is not a sponsorship or an opportunity for DCU to market our credit union. We hope that our contribution makes a difference to the people you serve in our communities.

Thank you for all that you do. Please feel free to mail any questions and/or inquiries to Digital Federal Credit Union, Attn: Diana Taxiera, 220 Donald Lynch Blvd., Marlborough, MA 01752.

For further information about DCU and our branch locations, or communities we serve, please visit our website at www.dcu.org.



TOWN OF FRANKLIN

Resolution 17-64

Request to Town of Norfolk Zoning Board of Appeals to Request a Traffic Study of the Intersection of Mill Street and Chestnut Street in Franklin

WHEREAS, There is a large scale housing development proposed in Norfolk, MA at the end of Mill Street in Franklin, and

WHEREAS, Mill Street is a winding, narrow, hilly road that will be subject to an increase in traffic, and

WHEREAS, The traffic study by the developer and review by the Town of Norfolk Zoning Board of Appeals traffic consultant did not include the intersection of Mill Street and Chestnut Street, and

WHEREAS, There is great concern about the tremendous truck traffic prior to and during construction that may travel over Mill Street causing damage to the road and public safety issues.

NOW THEREFORE, we authorize the Chairman of the Franklin Town Council to contact the Norfolk Zoning Board of appeals to request a traffic study at the intersection of Mill Street and Chestnut Street in Franklin and urge the Zoning Board to restrict heavy truck traffic on Mill Street.

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

DATED: _____, 2017

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Teresa M. Burr
Town Clerk

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council



Sponsor: Administration

**TOWN OF FRANKLIN
BYLAW AMENDMENT 17-796
CHAPTER 63, BUILDINGS, NUMBERING OF**

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 63.

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL that Chapter 63 of the Code of the Town of Franklin is amended by changing the chapter caption from "Buildings, Numbering of" to "Buildings" and by further revising to the chapter, as follows:

CHAPTER 63 BUILDINGS

§63-1. Building Numbering

§63-1-1. Affixing of numbers required.

All persons shall affix to buildings owned by them and located on or near the line of public or private ways the street numbers designated for such buildings by the Town Administrator, and no person shall affix or allow to remain on any building owned by him a street number other than the one designated by the Town Administrator.

§ 63-1-2. Visibility of numbers.

All numbers shall be affixed so that they will be plainly visible from the roadway, and any building which is not plainly visible from a roadway shall have at the entrance of its driveway, visible from said roadway, the designated street number.

§ 63-1-3. Assignment of numbers; waiver of requirements.

The assignment of designated numbers shall be made consecutively in ascending order, beginning at the principal street from which the street to be numbered runs. The odd numbers shall be on the right-hand side of said street in the direction of the ascending numbers. The Town Administrator may waive the requirements of this section for any roadway which is already numbered where renumbering in accordance with this section would cause substantial hardship.

§ 63-1-4. Violations and penalties.

[Amended 4-18-2012 by Bylaw Amendment 12-675]

Any person violating the provisions of this chapter shall be liable for a fine of \$50 for each offense; each day a violation continues shall constitute a separate offense.

§ 63-1-5. Enforcement.

[Added 4-18-2012 by Bylaw Amendment 12-675]

The Franklin Police Chief, Fire Chief, and Director of Public Works and their respective designees and the Building Commissioner shall each have authority to enforce the provisions of this chapter.

§63-2. Local Adoption of Stretch Energy Code

§63-2-1. The Stretch Energy Code, as codified by the Board of Building Regulations and Standards as an appendix to the State Building Code as 780 CMR Appendix 115AA, including any amendments or modifications thereto, has been accepted by the Franklin Town Council by its vote on Bylaw Amendment 17-796 and is incorporated herein by reference.

§63-2-2. The Stretch Energy Code is enforceable by the Building Commissioner or his designee.

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

DATED: _____, 2017

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

ABSTAIN _____

Teresa M. Burr
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

Town of Franklin

Town Administrator
Tel: (508) 520-4949



Fax: (508) 520-4903

355 East Central Street
Franklin, Massachusetts 02038-1352

MEMORANDUM

September 6, 2017

To: Town Council, Jeff Nutting

From: Jamie Hellen

Re: Green Communities Designation

We are requesting the Town Council approve two resolutions that will allow the Town to apply to be designated as a Green Community. Combined with previous actions of the Town, these two resolutions achieve all five criteria outlined by the state to become a certified Green Community:

1. Approve as of right siting of renewable energy facilities (already completed);
2. Expedited permitting (already completed);
3. Develop a 20% energy reduction plan (plan attached below);
4. Develop a fuel-efficient vehicle policy (policy attached below); and
5. Adopt the stretch code into bylaw (resolution attached below).

Establishing Franklin as a certified Green Community will:

- Highlight the town's great work in becoming a leader in utilizing energy efficient technology to reduce operating and capital budget costs, while doing our part to protect our environment;
- Provide a "designation award" of approximately \$200,000 after initial state approval of our application. Given the Town's commitment to renewable energy projects in its facilities, we've been leaving this state money on the table and should take advantage of these resources; and
- Allow the town to continue to apply for annual grant funding only allowed to communities designated as a Green Community. Annual grant awards are up to \$250,000 annually for local projects. Franklin will look to apply for assistance for facilities projects, fuel efficient vehicle purchases and other qualifying projects as they arise.

The application deadline is in October and expect a decision on our application in late winter/early spring 2018. The Town plans to use the initial designation grant funds to assist in paying for the LED Streetlight retrofit.

As always, Jeff and I are available to answer any questions.



SPONSOR: Zoning Enforcement Officer

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 17-797

SETBACKS FOR ACCESSORY BUILDINGS AND STRUCTURES

A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT CHAPTER 185, SECTION 19. ACCESSORY BUILDINGS AND STRUCTURES

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended at section of §185-19. Accessory buildings and structures by adding and ~~deleting~~ the following text:

No accessory building or structure shall be located within a required front yard. No accessory building or structure shall be located in any side yard area nearer to the side lot line than 10 feet ~~in any zoning district, General Residential V, Single Family Residential IV or Commercial I Districts or nearer than 15 feet in other districts.~~ No accessory building or structure shall be located in a rear yard nearer to the rear lot line than 10 feet or nearer to another principal or accessory building or structure than 10 feet.

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

DATED: _____, 2017

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

ABSTAIN _____

Teresa M. Burr
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk
Town Council

Town of Franklin

Tel: (508) 520-4907



TOWN OF FRANKLIN
TOWN CLERK Fax: (508) 520-4906

2017 SEP 27 PM 1:10

RECEIVED

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

September 27, 2017

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

CERTIFICATE OF VOTE

Zoning By-law Amendment #17-797

Changes to Chapter 185-19 Setbacks for Accessory Buildings and Structures

Petitioner: Zoning Enforcement Officer

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, September 25, 2017 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to *RECOMMEND, as presented*, to the Town Council the amendment of Zoning By-law #17-797, Changes to Chapter 185-19 Accessory buildings and structures..

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

Sincerely,

Anthony Padula
Chairman

cc: Town Council
Town Administrator
Deputy Town Administrator



FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

DATE: AUGUST 23, 2017
TO: JEFFREY D. NUTTING, TOWN ADMINISTRATOR
FROM: DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
RE: PROPOSED ZONING BYLAW AMENDMENT 17-797: SETBACKS
FOR ACCESSORY BUILDINGS AND STRUCTURES
CC: FRANKLIN PLANNING BOARD; JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR;
GUS BROWN, ZONING ENFORCEMENT OFFICER; MARK CEREL, TOWN ATTORNEY;
AMY LOVE, FRANKLIN TOWN PLANNER

Zoning Enforcement Officer Gus Brown has identified inconsistencies in the Town's Zoning Bylaw that leads to confusion regarding the size side setback required for accessory buildings and structures. §185-3 states "No accessory buildings or structures of any size shall be closer than 10 feet to any principal building or side ... lot line". §185-19 states that side yard setbacks for accessory buildings and structures must be at least 10 feet in GRV, SFRIV and CI zoning districts, and at least 15 feet in other districts. The exact wording from both sections is attached.

Mr. Brown recommends changing the minimum required distance between accessory buildings/structures and the side lot line to 10 (ten) feet in all zoning districts. This change can be easily made by deleting wording in §185-19 that refers to differences in various zoning districts.

Zoning Bylaw Amendment 17-797 has been prepared for Town Council review and consideration. DPCD recommends referring the proposed amendment to the Planning Board for a Public Hearing.

Wording Taken Directly From Chapter 185 of Franklin Town Code

§185-3. Definitions.

In this chapter, the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

ACCESSORY BUILDING OR USE

A use or separate structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

No accessory buildings or structures of any size shall be closer than 10 feet to any principal building or side or rear lot line. No accessory building or structures shall be less than a distance equal to the common building height to common grade to any rear or side lot line. No accessory building or structures shall be located within a front yard setback. Lots having frontage on any street will maintain the front yard setback from all street frontage. This bylaw will also include all open space developments.

Swimming pools. The setbacks shall meet those of the accessory structure including pool equipment, i.e., pumps, heaters, etc., in the section noted above. In the case of a corner lot, the pool and the equipment must meet the front yard setback for that zone. Swimming pools are accessory structures whether in-ground, above-the-ground or on-the-ground. To get an accurate measurement, above-the-ground pools should be measured from the outside of the pool including any decking; in-ground pools should be measured from the outside edge of the pool or coping including equipment for both.

§185-19. Accessory buildings and structures.

No accessory building or structure shall be located within a required front yard. No accessory building or structure shall be located in any side yard area nearer to the side lot line than 10 feet in General Residential V, Single-Family Residential IV or Commercial I Districts or nearer than 15 feet in other districts. No accessory building or structure shall be located in a rear yard nearer to the rear lot line than 10 feet or nearer to another principal or accessory building or structure than 10 feet.

Town of Franklin



Planning Board

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TOWN OF FRANKLIN
TOWN CLERK

The following notice will be published in the Milford Daily Newspaper on Monday, September 11, 2017 and Monday, September 18, 2017

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 September 25, 2017 at 7:05 PM and the Town Council will hold a Public Hearing on September 27, 2017 at 7:10 PM in the Town Council Chambers of the Municipal Building, 355 East Central Street, to consider amending Chapter 185, Sections 19, Zoning Map of the Code of the Town of Franklin as follows:

ZONING BY-LAW AMENDMENT 17-797 SETBACKS FOR ACCESSORY BUILDINGS AND STRUCTURES

A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT CHAPTER 185, SECTION 19. ACCESSORY BUILDINGS AND STRUCTURES

Chapter 185 of the Code of the Town of Franklin is hereby amended at section of §185-19. Accessory buildings and structures by adding and deleting the following text:

No accessory building or structure shall be located within a required front yard. No accessory building or structure shall be located in any side yard area nearer to the side lot line than 10 feet in any zoning district, General Residential V, Single Family Residential IV or Commercial I Districts or nearer than 15 feet in other districts. No accessory building or structure shall be located in a rear yard nearer to the rear lot line than 10 feet or nearer to another principal or accessory building or structure than 10 feet.

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 said amendment 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

Matt Kelly, Chairman
Franklin Town Council