

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
April 12, 2023**

A meeting of the Town Council was held on Wednesday, April 12, 2023, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA. Councilors present: Brian Chandler, Theodore Cormier-Leger, Robert Dellorco, Cobi Frongillo, Melanie Hamblen, Glenn Jones, Thomas Mercer, Patrick Sheridan. Councilors absent: Deborah Pellegrini. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney.

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

ANNOUNCEMENTS: ► Chair Mercer reviewed the following as posted on the agenda. A Note to Residents: All citizens are welcome to attend public board and committee meetings in person. Meetings are live-streamed by Franklin TV and shown on Comcast Channel 11 and Verizon Channel 29. In an effort to maximize citizen engagement opportunities, citizens will be able to continue to participate remotely via phone or Zoom. He announced that this meeting is being recorded by Franklin TV; this meeting may be recorded by others. He stated that Councilor Pellegrini will not be attending tonight's meeting.

CITIZEN COMMENTS: ► Mr. David Rittenhouse, 24 Hunters Run, thanked the Town of Franklin for his shirt that he received for picking up trash on Earth Day last year at Beaver Pond. He stated that that this year Earth Day is on Saturday, April 22. He stated that he is a climate activist and a member of the 350 Mass Greater Franklin Node. He stated that meetings are open to the public. He asked the Town Council to consider adding the cost of maintaining the Energize Franklin website to the FY24 budget which would be \$950 per year. He stated that this has been announced a few times in the Franklin Matters Newsletters. He discussed the parent Mass Energize and the website Energize Franklin. He stated that it took six months to raise enough money for this, and they are now trying to do outreach to make the Energize Franklin website a climate action tool for residents and businesses. He stated that on Earth Day weekend they will have booths on Saturday at the Town Common from 11 AM to 2 PM and on Sunday at DelCorte from 9 AM to 11 AM. He explained what the Energize Franklin website offers. He stated that the initial website set up cost is \$2,000; the annual cost is \$950 for website maintenance. ► Ms. Ruthann O'Sullivan, 175 Oak Street, stated that she and the One Franklin Group have a desire to have the Town develop a proposal that would propose an override to be able to have the citizens vote on. She stated that she would point out part of the presentation that Superintendent Giguere gave to the School Committee. She read aloud information and noted the Covid negative impacts on students, their gaps in knowledge, and their mental health concerns, and she provide statistics. She stated that she has heard about a decline in enrollment and that we cannot justify any sort of increase to a budget if there is a decline in enrollment. She stated that she wanted to point out that a class may have 25 to 26 students and it could go down to 21 students but it does not change the budget that much; it does negatively impact the budget because you lose that per pupil expenditure from the state. She stated that they know the teachers got a larger raise than other departments and that is causing stress. She stated that she knows it is going to be a difficult May, and she knows there is going to be cuts. She noted conversations at last night's School Committee meeting and documenting the cuts. She stated that she thinks there is underestimating of what the community would be willing to do to get an override passed. She stated that she thinks the last override was 2007. ► Ms. Ali Rheume, 47 Summer Street, requested that before the Farmers Market and the event season begins this year parking lines be added on High Street along the Common so cars can park more efficiently.

APPROVAL OF MINUTES: ► None.

PROCLAMATIONS/RECOGNITIONS: ► None.

APPOINTMENTS: ► *Police Station Building Committee.* ► Councilor Jones read the appointments.

► **MOTION to Ratify** the appointments of the 11 individuals listed

- 1) Thomas Mercer (Town Council)
- 2) Brian Chandler (Town Council)
- 3) Robert Dellorco (Town Council)
- 4) Thomas Lynch (Chief of Police)
- 5) Jamie Hellen (Town Administrator)
- 6) Michael D'Angelo (Director of Public Facilities)
- 7) Gary Premo (Executive Director of MECC)
- 8) Andressa Rosa (Female member of Police Department)
- 9) James West (Male member of Police Department)
- 10) Kelsey Alexander (At Large)
- 11) David Pellegrini (At Large)

by the Town Administrator to serve as members of the Police Station Building Committee with terms to expire upon substantial completion of the project by **Jones**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Hellen stated this is pretty basic. He thanked Andressa Rosa and James West for stepping up as members of the department, and he thanked Kelsey Alexander and David Pellegrini. ► Chair Mercer thanked those who were appointed and those who put in their names for consideration. ► **VOTE: Yes-8, No-0, Absent-1.**

HEARINGS: 7:00 PM. ► *License Modification - Change of Officers/Directors/LLC Managers, Change of Stock Interest, Change of Manager: Jai Ho Group, Inc. d/b/a The Curry House, Located at 418 West Central, Street, Franklin, MA 02038.* ► Councilor Jones read the license transaction. ► Chair Mercer declared the public hearing open. ► Attorney Richard Cornetta representing Jai Ho Group, Inc. introduced Manas Sahu who is the new owner of The Curry House and Nilu Patel who is the new manager and is also the chair of the Board of Directors of Jai Ho Group. ► Councilor Cormier-Leger asked if there would be any changes to the day-to-day operations. ► Mr. Cornetta stated no; it is just a changing of the guard. ► Chair Mercer declared the public hearing closed.

LICENSE TRANSACTIONS: ► *License Modification - Change of Officers/Directors/LLC Managers, Change of Stock Interest, Change of Manager: Jai Ho Group, Inc. d/b/a The Curry House, Located at 418 West Central, St., Franklin, MA 02038.* ► **MOTION to Approve** the request by Jai Ho Group, Inc. d/b/a The Curry House, for a change of officers/directors/LLC managers, change of stock interest, and change of manager to Nilu Patel by **Jones**. **SECOND** by **Dellorco**. **No discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

HEARINGS: 7:00 PM (continued): ► *Zoning Bylaw Amendment 23-889: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Attachment 7., Part VI, Use Regulation Schedule: Residential Uses (Legislation for Action Item #9a).* ► Chair Mercer declared the public hearing open. ► Mr. Hellen stated that all the materials and memos on this item are available in the meeting packet on the Town's website. He reviewed that the following two bylaw proposals represent the Inclusionary Zoning package approved unanimously, 7-0, by the EDC+ Steering Committee, as well as a unanimous recommendation, 5-0, by the Franklin Planning Board. After months of deliberation, this package represents a policy that has widespread support and an incredible compromise. He stated that this helps the Town comply with the new MBTA communities' policy of the state. It also brings density down to 15 units per acre. He stated that this allows a builder to get 15 units by right and it mandates any new developments of 10 units or greater require one unit of those 10 to be legally deeded as an affordable unit. He stated that the only 100 percent proven method to actually create affordable housing that is not susceptible to market rate increases, is to make sure that unit is deeded affordable in perpetuity. ► Councilor Hamblen, EDC Chair, stated that she wanted to remind people why we were doing this. She stated that they spent 16 months in the Franklin for All process going through all this. She stated that she thinks this is one of the best solutions to the problem that we have. She reviewed that in 2019 the MAPC study was done and the results were more housing is needed in Franklin. She stated that we have a state approved Housing Production Plan which includes adding an inclusionary zoning bylaw. She stated that there are 12,000 people on the waiting list for affordable housing in Franklin. She stated that

complying with MBTA community regulations allows the Town to continue to apply for and receive MassWorks grants. She discussed how the inclusionary zoning will help with housing. She stated that the Town Council is obligated to meet the budget demand. She stated that they approved 200 acres of open space with means they have denied new growth potential in those 200 acres. She stated that we have to allow that someplace else because we need new growth in our budget; this is a way to allow the new growth. ► Chair Mercer stated this was 19 months of work. ► Councilor Frongillo stated that he echoed every word of Councilor Hamblen. He stated that he wanted to make it clear that this alone is not enough to reach all the potential that Councilor Hamblen just spoke to. He stated that if we want to right the ship and allow for the types of development that benefit Franklin at the same time we are slowing down the types of development that have hurt Franklin over the years, we need this and more. He stated that do not think the job is done, we have a long way to go to get to a better place in our budget and get to a better place in building a vibrant downtown. ► Councilor Sheridan stated that he agreed with everything that has been said. ► Councilor Jones thanked everyone who came out and participated. ► Councilor Dellorco asked if it is deemed affordable what is the cost. ► Director of Planning and Community Development Bryan Taberner stated that regarding affordability, whatever the dollar amount is that the state Department of Housing and Community Development puts out, is the dollar amount that the affordable unit is. ► Mr. Hellen stated that residents should understand that the rent that goes into this is out of our control, and it is out of the landlord's control. ► Mr. Cerel stated that it is predicated on 80 percent of the median income for the Greater Boston area and then depends on the size of the family; the rent is based on the percentage of that income. ► Councilor Chandler confirmed the order of the hearings and legislation for action for tonight's meeting. ► Councilor Cormier-Leger asked that of the 12,000 people who have identified as wanting to live in Franklin, what list is this on. ► Councilor Hamblen stated that this is on the Franklin Housing Authority list. ► Mr. Hellen stated that it is a regional list and it does not mean they qualify, it means they are looking. He explained that the 12,000 is people from all over the state and beyond. He stated that it is a little bit of a number that does not make a lot of sense to say it as it is not really accurate. ► Councilor Cormier-Leger stated that it is on the Franklin Housing Authority list which means it is low income, so that really has nothing to do with affordable housing from the state's formula. He stated that he is not against either one, he is just clarifying. ► Mr. Hellen stated that it is more middle-class income as it would be an income of about \$90,000 per year. ► Councilor Hamblen stated that people need housing and places to live and this is about taking care of the people in our community. ► Councilor Cormier-Leger stated that putting a deed restriction on a single-family or a condo is very different than a deed restriction on an apartment; deed restricted homes go to the lottery system in the Town. ► Chair Mercer declared the public hearing closed.

LEGISLATION FOR ACTION:

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

- a. Zoning Bylaw Amendment 23-889: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Attachment 7., Part VI, Use Regulation Schedule: Residential Uses – First Reading (Motion to Move Bylaw Amendment 23-889 to a Second Reading - Majority Vote).* ► Councilor Jones read the zoning bylaw amendment. ► **MOTION to Move Zoning Bylaw Amendment 23-889: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Attachment 7., Part VI, Use Regulation Schedule: Residential Uses to a Second Reading by Dellorco. SECOND by Hamblen. No discussion. ► VOTE: Yes-8, No-0, Absent-1.**

HEARINGS: 7:00 PM (continued): ► Zoning Bylaw Amendment 23-890: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Section 51 (Legislation for Action Item #9b). ► Chair Mercer opened the public hearing. ► Mr. Hellen stated that this the actual bylaw language which sets out the parameters of inclusionary zoning. He gave a shout-out to Nancy Danello and George Danello who just clarified that out of the 12,000 people, 350 are Franklin residents. ► Councilor Hamblen stated that this is the bylaw that created all the other changes. She stated that this is going to help us stay above the 10 percent limit that we need for the state for the SHI number. She stated that this is an important tool so that we have more control over what

happens in Town. She stated that she thinks that most nearby towns already have inclusionary zoning.
 ► Chair Mercer closed the public hearing.

LEGISLATION FOR ACTION (continued):

- b. Zoning Bylaw Amendment 23-890: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Section 51 - First Reading (Motion to Move Bylaw Amendment 23-890 to a Second Reading - Majority Vote).** ► **MOTION** to Waive the reading by **Frongillo**. **SECOND** by **Dellorco**. **No discussion.**
 ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION** to Move Zoning Bylaw Amendment 23-890: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Section 51 to a Second Reading by **Dellorco**. **SECOND** by **Hamblen**. **No discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

PRESENTATIONS/DISCUSSIONS: ► **Presentation: Metacomet Public Health Alliance - Cathleen Liberty, Health Director.** ► Health Director Cathleen Liberty narrated a slideshow presentation. She stated that Mr. Hellen asked her to explain what the Metacomet Public Health Alliance was all about. She reviewed that the Metacomet Public Health Alliance was formed in the spring of 2021 as a new regional health department serving the towns of Norfolk, Wrentham, and Franklin. As the result of a shared services grant, the initiative is expanding public health services in all three towns. She stated that she is the shared coordinator and oversees Alisha Sullivan, Public Health Nurse; John Robertson, Regional Health Agent; and Cassia Monteiro, Regional Epidemiologist, who were all present at the meeting. She reviewed that the Public Health Nursing program seeks to provide member communities with access to comprehensive, professional public health nursing services. The public health nursing provides wellness programming, flu clinics, disease screening, and disease investigations for those who are challenged by location, mobility, and income. The nurses are promoting the wellbeing of the community. She stated that the mission is to protect, promote, and advance the health and safety of the residents of Franklin, Norfolk, and Wrentham through rapid and effective response to public health needs. She reviewed that the Inspectional Service program seeks to provide member communities with access to a trained, qualified health inspector/sanitarian. The regional health agent provides technical services including a variety of state sanitary code inspections including, but not limited to, food establishment inspections, camp inspections, swimming pool inspections, and housing/nuisance inspections. She reviewed research and data collection which includes creating story maps, GIS sites, and resources for all the communities to learn more about how specific health topics impact them as well as collecting data and research for program implementation and organizations. She reviewed the Covid-19 Dashboard and noted it is updated every Friday. She reviewed the Healthcare Resources and Services website and explained how to use the website. She reviewed that the Health Outcomes Dashboard was designed to explore regularly updated health outcomes, risk behaviors, prevention, health status, and healthcare resources across the towns of Franklin, Norfolk, and Wrentham. She reviewed that this will help residents and town leaders understand and improve the health and well-being of our communities. She discussed the Franklin Health Fair held on October 19, 2022, at the Franklin Public Library. She noted that over 480 people in the community attended and there were over 30 vendors, health resources and services, activities for kids and adults, demonstrations, free local produce, and a food truck. ► Town Council members asked questions, made comments, and thanked them for the work they do. ► Ms. Liberty noted that inspections of the marijuana facilities are under the state's cannabis control system. She noted that she is still collecting Covid data. ► Mr. Hellen reviewed how the three towns of Franklin, Wrentham, and Norfolk got together to form the regional collaboration of the Metacomet group. He stated they received almost \$1 million over three years from state grant money. He stated that they are hoping the money will not dry up. He discussed the importance of the public health nurse. ► Ms. Liberty explained why she does not think the funding will go away and reviewed the idea behind regionalizing. ► Councilor Hamblen stated that she really likes the dashboard and the information provided. ► Chair Mercer thanked the department for what they did during the pandemic for the community. He noted the dashboard data available on the Town's website.

LEGISLATION FOR ACTION (continued):

- c. ***Zoning Bylaw Amendment 23-887 (Formerly 22-887): Zoning Map Changes from Rural Residential II and Single Family Residential III to Rural Residential II or Single Family Residential III an Area On or Near Lincoln Street and Lincolnwood Drive - Second Reading (Motion to Approve Zoning Bylaw Amendment 23-887 (Formerly 22-887) – Two-Thirds Majority Roll Call Vote).*** ► Councilor Jones read the zoning bylaw amendment. ► **MOTION to Approve** Zoning Bylaw Amendment 23-887 (Formerly 22-887): Zoning Map Changes from Rural Residential II and Single Family Residential III an Area On or Near Lincoln St. and Lincolnwood Drive by **Dellorco**. **SECOND** by **Hamblen**. **Discussion:** ► Mr. Hellen stated that this is the final reading for this lot line cleanup. ► Councilor Frongillo confirmed that everyone who gets affected by these gets notified. ► Councilor Chandler asked about Dacey's and Lamberto's being in the commercial zone and if there cannot be any more in this stretch. ► Director of Planning and Community Development Bryan Taberner reviewed the area and explained the commercial sections. ► **ROLL CALL VOTE:** **Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Sheridan-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**
- d. ***Zoning Bylaw Amendment 23-891: Zoning Map Changes from Rural Residential II and Single Family Residential III to Rural Residential II or Single Family Residential III an Area On or Near Lincoln Street - Second Reading (Motion to Approve Zoning Bylaw Amendment 23-891 – Two-Thirds Majority Roll Call Vote).*** ► Councilor Jones read the zoning bylaw amendment. ► **MOTION to Approve** Zoning Bylaw Amendment 23-891: Zoning Map Changes from Rural Residential II and Single Family Residential III to Rural Residential II or Single Family Residential III an Area On or Near Lincoln Street by **Dellorco**. **SECOND** by **Hamblen**. **Discussion:** ► Mr. Hellen stated that this is the final reading of the lot line changes. ► Councilor Hamblen stated that it has been a really long project to clean up all these maps and zoning areas. She stated that Mr. Taberner has done a great job. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Sheridan-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**
- e. ***Zoning Bylaw Amendment 23-894: A Zoning Bylaw to Amend Chapter 185, Section 3 of the Code of the Town of Franklin: Accessory Dwelling Unit Definition - Referral to the Planning Board (Motion to Refer Bylaw Amendment 23-894 to the Planning Board - Majority Vote).*** ► Councilor Jones read the zoning bylaw amendment. ► **MOTION to Refer** Zoning Bylaw Amendment 23-894: A Zoning Bylaw to Amend Chapter 185, Section 3 of the Code of the Town of Franklin: Accessory Dwelling Unit Definition to the Planning Board by **Dellorco**. **SECOND** by **Hamblen**. **Discussion:** ► Mr. Hellen stated that the next three bylaws are relating to accessory dwelling units. He stated that this takes a huge step forward. The first bylaw is the use table. He reviewed that these bylaws were recently approved by the EDC+ Steering Committee on a vote of 6-1. The lone dissent was ZBA Chair Bruce Hunchard for one reason: the current system of approving accessory dwelling units has worked very well for the past twenty years where all applications have been approved by the ZBA (with one exception that was denied). Mr. Hellen stated that he recommended that the Town Council support these so they can be referred to the Planning Board so they can hold a public hearing about what to recommend back to the Town Council. ► Chair Mercer reminded all that these items are referrals to the Planning Board. ► Councilor Hamblen, EDC Chair, explained why we are doing this. She stated that it is in the Housing Production Plan to define accessory dwelling units and to make it easier for people to know what the process is. She stated that this was also the Franklin for All recommendation. She stated that the definition was approved by everyone. She stated that they made it so it does not necessarily have to be a family member who lives there, but the owner of the property has to live in one or the other units. She stated that they had a lot of discussion on this. She stated that this is a step; it is a compromise and they have to keep working on it. ► Councilor Frongillo stated that he wanted to call attention to one of the amendments that failed 3-3. He stated that what we have done here is we have laid out, here is the type of accessory dwelling unit that you are allowed to build and here is how close you are allowed to build it to your neighbors, and you have to go through building code. He stated that what we said is even after all of that, you still have to go to Zoning Board of Appeals even if you meet all of that. He stated that what we

heard from someone who is currently looking to put in an accessory dwelling unit is the amount of money it takes to hire an architect to start to design the project, that is a lot of cost, and then still be going toward something that you do not know if it is going to get approved because it is based on the whims of the voting board and whether they deem it necessary. He stated that a whole bunch of what we are talking about when we say by right is saying are there certain types of projects that we can just agree that are good for the town. He stated that at some point we as a town have to say that there are certain projects that are just good for the town, they bring in new development, and they add affordable housing units. He stated that at least know that what we are voting on here falls short of actually allowing these by right. He stated that if you are worried about getting run over by accessory dwelling units, I will point out that 21 communities already allow them by right in Massachusetts. He stated that he would personally like to see us make that step now. ► Councilor Sheridan stated that he would like to make the amendment at the appropriate time. ► Chair Mercer stated that this is not the right bylaw. ► Councilor Cormier-Leger asked about the permit process and what triggers the Assessor's Office to reevaluate the dwelling; he asked will this same process happen with accessory dwelling units. ► Mr. Hellen stated that they anticipate that it would. He stated that if this bylaw goes through, they will put out some educational materials regarding the process. He stated that ADU's have always been happening for decades. He stated that this is not about making money, it is about the human element as people have been struggling to find housing affordably, and the pandemic has forced home-care situations, people moving, people wanting to be closer together, and the benefit and the large leap forward is about giving people an opportunity to customize and be flexible with their space and their property. He stated that we are not restricting this to a blood relative; we are leaving that up to the individual. He stated that if you allow splitting the utilities and making it by right, people will do whatever they want. He noted the law of unforeseen circumstances. He stated that this step forward is to make sure we have put the right protections in place. ► Councilor Cormier-Leger stated that it is important to note that adding an ADU to a piece of property should increase the value of that property and increase the assessment bringing in a little bit more tax revenue to the town. ► **VOTE: Yes-8, No-0, Absent-1.**

f. Zoning Bylaw Amendment 23-895: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Attachment 8, Use Regulations Schedule Part VII: Accessory Uses - Referral to the Planning Board (Motion to Refer Bylaw Amendment 23-895 to the Planning Board - Majority Vote).

► Councilor Jones read the zoning bylaw amendment. ► **MOTION to Refer Zoning Bylaw Amendment 23-895: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Attachment 8, Use Regulations Schedule Part VII: Accessory Uses to the Planning Board by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen stated that this is the Use Table. He stated that all of this is putting Franklin in the very elite category right now of towns that are really struggling to get through these things. He stated that even getting this in the Use Table is a huge achievement; it really does set us apart from other communities. ► Councilor Hamblen noted that we did not give up, what we have is like a compromise of everything. She stated that the Town staff listened to our conversation at the Steering Committee level and then said you guys are right, we are going to put it in the Accessory Use Table. She stated that this shows that everyone was working together. ► Councilor Frongillo reviewed a study of ADUs. He discussed Salem's accessory dwelling unit policy that failed. ► Councilor Chandler stated that it is bothering him about the listed administration and enforcement of this and reasons that they can be turned down regarding water use. ► Mr. Taberner explained that as part of a special permit criteria, you cannot tell a person that they cannot use the water, but if you ask for a special permit, you have to meet certain criteria which are listed and he reviewed some of them. He discussed that water consumption and sewer use is looked at for all special permits in town. He stated that if it is a by right use, then the special permit criteria are no longer looked at. He stated that you would be deciding through this process that an ADU would be allowed in certain zoning districts by special permit; if you wanted it by right then you would have to change the regulations. ► Councilor Chandler stated that he would support Councilor Frongillo's amendment if he makes it. ► Mr. Cerel stated that he wanted to speak for the Building Commissioner in his absence. He stated that the special permit is a conservative approach; it gives the Town some authority. He stated that he has been doing this for 30 to 40 years; unfortunately, the road

may be paved with best intentions, but actually gets constructed, not so much. Unfortunately, neighbor relations are not always ideal. There are houses in all kinds of proximity to each other, and invariably, someone will come up with putting something in the worst place for the neighbor because it works for them. He stated that what you have to do when it happens, is to say it is a private property matter and there is nothing the Town can do about it. So, this gives some control and allows for some protections.

► Councilor Frongillo stated that he wanted to clarify that we are putting regulations in as to where it can be located; if you want to locate it outside of those spaces, then you will still need a variance and have to go to the ZBA. He stated that all of California, Connecticut, and Vermont have these. ► Councilor Sheridan stated that he wanted to make an amendment to have it by right. ► Mr. Hellen stated that if the Town Council wants to move these across the board, he would request that the Town Council table this until we can get the Building Commissioner here to have a discussion with him. He stated that he is saying this out of his professional experience. He stated that by right may be more applicable in the more rural districts. He discussed potential neighbor battles. He discussed that Mr. Cerel, Mr. Brown, Mr. Taberner, and he have worked on this together; he noted the potential for unforeseen circumstances. He stated that this needs to be carefully done. ► Chair Mercer stated that a lot of work has gone into this and he would hate to see the Town Council stall this even for a brief period of time, but he does feel that the EDC brought forward these three zoning bylaw amendments at which the Building Commissioner was there and supported these as they have been brought forward. He stated that his feeling is let us move these forward to the Planning Board as is and get some more opinions and by doing that when it comes back to us we put the amendment on it at the first reading. He stated that he would like to see the process work out which is to refer to the Planning Board. ► Councilor Frongillo stated that he wants to get it right. He stated that it is his understanding that the process is that we as a council get to move forward the product that we agree upon and then the Planning Board gets to respond to that product and then we get to full hearings on it. He stated that it does not seem that it hurts us at all, in fact it seems better for us to push forward a better product and let the Planning Board have it. He stated that to put something forward to have them talk about it and then have us add something to it after they talk about it feels like not how the process works. ► Chair Mercer stated that he disagreed. He stated that part of the process is to have the Planning Board review what the EDC recommended to the Town Council. He stated that what is before the Town Council, the Building Commissioner supported. He reviewed the process. He stated that he is open to the will of the Town Council. ► Councilor Chandler asked for comments from the other EDC members. ► Councilor Hamblen stated that she would like to make an amendment but not for all of the zones. ► Chair Mercer stated that it appears that tabling this may be best. ► Mr. Hellen stated that there are two options. He stated that Councilor Hamblen can make an amendment to the amendment, and he explained that it has to be very specific to districts. ► Councilor Sheridan stated that he withdraws. ► Councilor Chandler stated that he feels people have a right and that is why he wants to vote that way. ► Mr. Hellen stated that the Planning Board is only considering the framework of the bylaw, they have no role in approving, litigating, discussing, any of these; the ZBA has approved all but one. ► **MOTION to Amend Zoning Bylaw Amendment 23-895: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Attachment 8, Use Regulations Schedule Part VII: Accessory Uses to the Planning Board, for the Table for Rural Residential I, II, IV, and all those Rs to make the accessory dwelling unit by right in that one zone and to see what the Planning Board has to say about it because we did not get to separate all the zones at that meeting and I really want to know what they think about the possibly for that to be by right by Hamblen. SECOND by Sheridan. Discussion:** ► Councilor Frongillo stated that this is very easy to think that this is above your ability to comprehend, but it is really not. He stated that it is a matter of value and what we want to allow people to do with their property. He stated that one of the things you will find from Planning Board and from your Zoning Board is that they do enjoy the ability to retain that control, to have that long list of reasons to say that it does not fit with the neighborhood character, or it is too much water; they like that ability to retain that as a way of controlling projects. He stated that when that happens at a mass scale, we end up getting fewer projects both coming forward and being approved because it is a risk for anyone to come forward. He stated that this is a matter of values. ► Councilor Jones asked Councilor Hamblen to clarify the districts within the regulation schedule to which she had referred. ► Councilor Hamblen stated it is the first section, the first

box in the Use Table so it is RRI, RRII, RRIV, and RRVI, by right. She stated that she thinks that it is when they get to the smaller and smaller lots, that is when they get those potential issues for the building commissioner. ►Chair Mercer stated that we have a motion and a second. ►Councilor Jones read the amendment. He stated that to clarify, the amendment is to reflect that accessory uses line 821 Accessory Dwelling Residential Unit for RRI, RRII, RRVI, RRVII be by right, and the remaining districts up to DC are Zoning Board of Appeals and that is B, I, LI, O, MBI not included. ►**VOTE (for the amendment as stated): Yes-6, No-2, Absent-1.** (Councilor Dellorco stated NO, Councilor Chandler stated NO.) ►**MOTION to Refer** Zoning Bylaw Amendment 23-895: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Attachment 8, Use Regulations Schedule Part VII: Accessory Uses, **as amended**, to the Planning Board. **No First. No Second. No Discussion. VOTE: Yes-6, No-2, Absent-1.** (Councilor Dellorco stated NO, Councilor Chandler stated NO.)

- g. ***Zoning Bylaw Amendment 23-896: A Zoning Bylaw to Amend Chapter 185, Section 19 of the Code of the Town of Franklin: Accessory Dwelling Unit Setbacks - Referral to the Planning Board (Motion to Refer Bylaw Amendment 23-896 to the Planning Board - Majority Vote).*** ►Councilor Jones read the zoning bylaw amendment. ►**MOTION to Refer** Zoning Bylaw Amendment 23-896: A Zoning Bylaw to Amend Chapter 185, Section 19 of the Code of the Town of Franklin: Accessory Dwelling Unit Setbacks to the Planning Board by **Dellorco. SECOND by Hamblen. Discussion:** ►Mr. Hellen stated this is the final one for the referral. ►**VOTE: Yes-8, No-0, Absent-1.**

TOWN ADMINISTRATOR'S REPORT: ►Mr. Hellen stated that the budget for FY24 will be out on Friday, he hopes. He stated that the Finance Committee dates are May 8 for general government, May 10 for all schools, and May 11 all DPW and public safety. He stated that each meeting usually takes a few hours. He stated that May 24 and May 25 will be the budget hearings for the Town Council. He thanked everyone for their kind comments to Ms. Liberty and the Board of Health staff; he appreciates everyone's support for them.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** None.
- b. **Economic Development Subcommittee.** None.
- c. **Budget Subcommittee.** None.
- d. **GATRA Advisory Board.** None.

FUTURE AGENDA ITEMS: ►Councilor Frongillo stated that he would like to talk about the ability to support the Energize Franklin project. He stated that we asked them to go out and get started on a website that organizes all the sustainability opportunities; they did that and a whole bunch of volunteers did that themselves, raised money. He stated that communities similar to our size put a substantial amount toward sustainability initiative. He stated that we have put very little. He stated that they are asking for less than \$1,000 annually to keep the website going. He stated that the other thing is that got brought up the last time is the LGBTQ flag for Pride Month. He stated that he is told they do not need a bylaw or anything in writing, and he hopes that he is not disappointed come June. ►Councilor Cormier-Leger stated that he wanted to support Councilor Frongillo's two points.

COUNCIL COMMENTS: ►Councilor Cormier-Leger stated that Franklin went through a pretty horrific incident at the high school which luckily turned out to be a hoax with the active shooter call; he stated that he just wants to thank all of our first responders, educators, and Town staff, who immediately jumped into action and dealt with that in the appropriate way very quickly. ►Councilor Chandler stated thanks for allowing him to be on the Police Building Committee. He noted that the Police got their new pickup truck. He thanked the community for their engagement this week. ►Councilor Sheridan suggested hiking in DelCarte with the nice weather. ►Councilor Frongillo stated that there are still two surveys open to the public: Open Space and Recreation, and Arts and Culture. He stated that this Saturday people are walking the Lady Bug Trail; maps are available. He noted Earth Day is next Saturday. He stated that our favorite local

journalist is hosting a Poetry Day at the library on April 29. ► Councilor Hamblen reminded everyone to tune into the FinCom meetings as they go line item by line item. She noted the lady bug art and history trail. She gave a shout-out to Mr. Joseph Halligan; she stated that he has become the lady bug doctor and keeps them fixed. He noted office hours are next week at the Senior Center. She stated that Earth Day is on April 22 and DelCorte Day is on April 23. ► Councilor Jones noted the SNETT trail is a great place to go walking. He stated that the police busted people who were trying to steal catalytic converters at Jones Parking Lot at Dean College. He stated that they do read their emails and we do listen. ► Councilor Dellorco gave condolences to the family of Zeke Vignone. He stated that the SAFE Coalition had a great fundraiser tonight. ► Chair Mercer stated that next Tuesday at 6 PM at the Dean College Community Center/Campanella Board Room is the Dean Neighborhood Alliance meeting; the meeting is open to everyone. He stated that Dean has reached out over the last year to build some community relationships. He stated that it was originally all about parking, but it has grown. He thanked the Board of Health and the regional group that were here this evening; there is a lot of information out there, and they do a great job.

EXECUTIVE SESSION: None.

ADJOURN: ► MOTION to Adjourn by Dellorco. SECOND by Hamblen. No Discussion. ► VOTE: Yes-8, No-0, Absent-1.

Meeting adjourned at 9:41 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary