

FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
April 13, 2022

A meeting of the Town Council was held on Wednesday, April 13, 2022, 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 (via Zoom), Melanie Hamblen, Glenn Jones, Thomas Mercer, Deborah Pellegrini, Patrick Sheridan. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney; Alecia Alleyne, Assistant to the Town Administrator.

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 and shown on Comcast channel 11 and Verizon Channel 29. This meeting may be recorded by others. Chair Mercer announced that Councilor Frongillo will attend the meeting via Zoom; therefore, all votes will be by roll call.

CITIZEN COMMENTS: ► Mr. David Rittenhouse, 24 Hunters Run, stated that he is a climate activist and a member of 350 Mass. He stated that the climate crisis has become difficult to ignore. He reviewed some weather situations including flash floods that caused damage to Norwood Hospital. He stated that it will only get worse if there is not bold action; Franklin needs to take bold action. He stated that 80 percent of Massachusetts towns are green communities. He listed additional actions he would like including move new construction to electric heat pumps, change new construction bylaws to require 240-volt EV outlets in garages, give preference to multi-housing projects that would use geo-thermal heating and cooling systems, and join the 17 cities and towns involved in MassEnergize.

APPROVAL OF MINUTES: None.

PROCLAMATIONS/RECOGNITIONS: ► *Recognition: Roger Magalhaes - Recipient of The Immigrant Learning Center's Barry M. Portnoy Immigrant Entrepreneur Award in Outstanding Business Growth.* ► Councilor Hamblen read a proclamation honoring Mr. Magalhaes on receiving The Immigrant Learning Center's Barry M. Portnoy Immigrant Entrepreneur Award in Outstanding Business Growth. ► Mr. Magalhaes stated that he was from Brazil. He stated that America is a great place, the land of opportunities.

APPOINTMENTS: None.

HEARINGS: 7:00 p.m. ► *Alcoholic Beverages Licensees – Failure to Pass Compliance Check.* ► Mr. Hellen reviewed that Chief of Police Thomas Lynch would be giving a presentation on the March 2, 2022, Franklin Police Department Alcohol Compliance Check Operation performed throughout the Town of Franklin. ► Attorney Cerel stated that all the violators did not show up for tonight's hearing; he stated that during his tenure in Franklin, that has not previously happened. He recommended that it be determined if any of the licensees are present and then determine how to proceed. In response to questions, Mr. Cerel stated that the Town Council is performing an administrative function as opposed to the usual legislative function. They are going to sit as hearing officers to determine whether or not there

has been a violation of the liquor laws with respect to the various licensees; therefore, the role is passive. It is to allow the chief and his associate to present. If there is any counter, allow them to respond. He stated that the Town Council should sit there like on a jury and just listen. Once done, and the hearing is closed, what the disposition would be will be discussed if it is determined that the violations occurred.

► Chair Mercer stated that a representative from Jimmy D's is in attendance, TM1 Solutions is not in attendance, and Dharma Bhakti Corporation d/b/a Liquor World is not in attendance. ► Mr. Jimmy DeVito stated that he was in attendance for Jimmy D's. ► Attorney Cerel stated that there was a notice of hearing mailed to all three licensees. The letters requested their attendance. The letters were mailed first class mail, not return receipt. He suggested options to handle tonight's hearings. ► Mr. Hellen pointed out that Town bylaw indicates factors to mitigate and factors that would aggravate the violation. He stated that it is fully within the Town Council's jurisdiction to make those decision within the framework of the Town Code. ► Attorney Cerel confirmed that the three establishments are individual hearings.

► **Jimmy D's LLC d/b/a Jimmy D's - 338 Union Street.** ► Chair Mercer declared the hearing for Jimmy D's LLC d/b/a Jimmy D's at 338 Union Street open. ► Chief Thomas Lynch stated that Lieutenant Eric Zimmerman put this operation together. ► Lieutenant Zimmerman paraphrased his letter to Chief Lynch dated March 3, 2022, which was provided in the Town Council's meeting packet. He reviewed the Compliance Check Operation and procedure and noted the three establishments that failed the Compliance Check. He stated that 24 establishments passed the Compliance Check. He reviewed that Jimmy D's served the underage operative a Bud Light Bottle while they were at the bar. Police officers responded to the establishments that failed the Compliance Check. The employee who sold the alcohol to the underage operative was identified, informed of the violation, and informed that the Town would contact them. ► Mr. Jimmy DeVito, owner of Jimmy D's, stated that he is not going to challenge this citation. ► Mr. Hellen noted that Bylaw Amendment 14-727 relating to alcoholic beverage license holder violations is included in the meeting packet. ► Chief Lynch stated that this is Jimmy D's first offense; they have never had any issues alcohol related with Jimmy D's. ► Attorney Cerel stated there are two parts to the bylaw: compliance checks and actual violations for a real sale. He reviewed the traditional penalties for a first offense. He stated that this is discretionary with the Town Council. ► Town Council members asked questions. ► Mr. DeVito stated that he reviewed the selling of alcohol procedure; everyone is TIPS certified. He stated that he has to watch and stay on the employees every night. ► Councilor Chandler noted that the report indicates that there was no manager present in the establishment at the time of the violation. ► Mr. DeVito stated that he was the manager that night; he may have gone for a walk for about 20 minutes. He returned when the detectives were leaving. ► Attorney Cerel reviewed that the ABCC takes a restricted view of the compliance check process as opposed to violations. He stated that the Town Council has to follow a very strict procedure on the compliance check. ► **MOTION to Recommend** that since the licensee made an acknowledgment of the violation, he would like to follow the normal protocol suggested by the Town Attorney of three days suspension with one day served on the same day of the week as the violation which was a Wednesday, and Wednesday, April 20, 2022, was agreed upon, and two days held for up to two years by **Jones. SECOND by Dellorco.** **Discussion:** ► Chief Lynch confirmed that he was satisfied with the penalty. ► Councilor Pellegrini questioned the penalty as indicated in the motion made by Councilor Jones. ► Chair Mercer stated that the motion that is on the floor is what the Town Council has done in the past. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-NO; Sheridan-YES. ► VOTE: Yes-8, No-1, Absent-0.**

► **TM1 Solutions, Inc. d/b/a 7-Eleven 37380 - 664 Union Street.** ► Chair Mercer declared the hearing for TM1 Solutions, Inc. d/b/a 7-Eleven 37380 at 664 Union Street open. ► Lieutenant Zimmerman paraphrased his letter to Chief Lynch dated March 3, 2022, which was provided in the Town Council's meeting packet. He reviewed the Compliance Check Operation and procedure and noted TM1 Solutions, Inc. d/b/a 7-Eleven 37380 failed the Compliance Check. He reviewed that the underage operative purchased a six-pack of Bud Light from the store and exited the store with the alcohol; the operative was

not asked to provide an ID nor was he questioned about his age. ► Chair Mercer confirmed there was no representative present in person or via Zoom regarding this violation. ► Attorney Cerel recommended that the hearing be continued and notice be served by the police on the licensee for the next hearing date. ► **MOTION to Continue** the public hearing to May 4, 2022, at 7 p.m. by Jones. **SECOND** by Dellorco. **No discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

► ***Dharma Bhakti Corporation d/b/a Liquor World - 365 West Central Street.*** ► Chair Mercer declared the hearing for Dharma Bhakti Corporation d/b/a Liquor World at 365 West Central Street open. ► Lieutenant Zimmerman paraphrased his letter to Chief Lynch dated March 3, 2022, which was provided in the Town Council’s meeting packet. He reviewed the Compliance Check Operation and procedure and noted Dharma Bhakti Corporation d/b/a Liquor World failed the Compliance Check. He reviewed that the underage operative purchased a six-pack of Bud Light from the store and exited the store with the alcohol; the operative was not asked to provide an ID nor was he questioned about his age. ► Chair Mercer confirmed there was no representative present in person or via Zoom regarding this violation. ► Attorney Cerel recommended that the hearing be continued and notice be served by the police on the licensee for the next hearing date. ► **MOTION to Continue** the public hearing to May 4, 2022, at 7 p.m. by Jones. **SECOND** by Dellorco. **No discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: ► ***Presentation: Community Planning: DHCD Multi-Family Housing Guidelines for MBTA Communities - Bryan Taberner, Director, Planning and Community Development.*** ► Director of Planning and Community Development Bryan Taberner and Town Planner Amy Love addressed the Town Council. ► Mr. Taberner narrated a slideshow presentation, which was included in the Town Council members’ meeting packet, titled “New Multifamily Zoning Requirements for MBTA Communities.” He stated that this is a required presentation by the State. He stated there are new requirements for MBTA Communities. He discussed that over the last few years the Baker Administration has worked with the State Legislature and various State agencies to address the current housing crisis. A variety of programs have been developed and laws have been passed; one such law is the reason for this presentation. As part of the Economic Development Bill, in January 2021, the State enacted a new Section 3A of M.G.L. c. 40A (the Zoning Act), which requires that an “MBTA Community” permit multi-family housing as of right, by meeting certain criteria. Section 3A requires that an MBTA Community shall have at least one zoning district of reasonable size in which multi-family housing is permitted as of right and meets other criteria set forth in the statute: minimum gross density of 15 housing units per acre, not more than .5 mile from a commuter rail station, subway station, ferry terminal or bus station, if applicable, no age restrictions, and suitable for families with children. DHCD has drafted implementation guidelines; one requirement of each MBTA Community is to present the draft guidelines to the Town Council, which is the reason for this presentation. He reviewed that the draft guidelines outline a two-part test to determine reasonable size: minimum land area and minimum multi-family unit capacity. The multi-family unit capacity is a number of units based on a percentage of total housing units within the community. He reviewed that Franklin has 12,551 (2020 census) and as a MBTA Community with commuter rail service is required to have a zoning district(s) that would allow at least 15 percent in density for multi-family housing. Franklin’s minimum unit capacity has been calculated to be 1,883 units (12,551 total 2020 housing units x 15 percent = 1,883 multi-family housing units). He reviewed the location of the districts. The statute provides that “a district of reasonable size shall . . . be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.” DHCD Draft Guidelines state MBTA Communities with some land area within 0.5

miles of a transit station require at least .5 of land of the as of right multi-family zoning district to be located within the prescribed distance. Note that several districts can be included in the 0.5-mile distance, such as Downtown Commercial, Commercial I, and General Residential V. He reviewed the draft guidelines and current requirements. The public comment period ended on March 31, 2022. MBTA Communities are required to complete an online “MBTA Community Information Form” by May 2, 2022. This online form includes some straightforward requests for Franklin. He discussed how to comply in 2022. MBTA Communities will be deemed to achieve interim compliance if they complete the online form by May 2, 2022. If the Town remains in compliance with the Draft Regulations, the Town will remain eligible for the 2022 MassWorks and Housing Choice Community Grants. Once final guidelines are developed, communities will be expected to take affirmative steps towards the creation of a compliant multi-family district. Deadline for having a compliant zoning district as proposed in the draft guidelines will be phased-in at 2023 for subway and bus communities and 2024 for commuter rail and MBTA adjacent communities. He reviewed that the MBTA Communities multi-family zoning requirements are being addressed as part of the “Franklin for All” project. The Town’s consultants will develop recommendations on possible zoning bylaw amendments that may be required to meet MBTA Communities requirements. Specific recommendations for potential zoning changes, including how best to address the new MBTA Communities requirements, will be developed over the summer and into the fall. He stated that the Town should not have a difficult time addressing the MBTA Communities requirements. ► Mr. Hellen stated that zoning changes are an extensively long process to change; you cannot rush zoning bylaw changes. He stated that there will be plenty of opportunity for feedback and ideas. ► Town Council members asked questions and made comments. ► In response to questions, Mr. Taberner stated that there are two MBTA stations in Franklin. Some of the units could be put at each station. He explained that a housing unit is a housing unit regardless of size. ► Mr. Hellen reminded all that the land owners around the Forge Park area include the Commonwealth of Massachusetts, MassDOT, MBTA, a large family trust area, and a few neighborhoods in the back. He stated that the Forge Park area because of the location right off the interstate and off Rt. 140 is a unique area. He stated that from the State’s perspective, there may be discussion if they feel there is too much going to go to that area.

LEGISLATION FOR ACTION:

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

- a. ***Resolution 22-26: Acceptance of Easement of Property at 732 Washington Street (Motion to Approve Resolution 22-26 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 22-26: Acceptance of Easement of Property at 732 Washington Street by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen reviewed that this action is to accept a permanent easement, approximately 48 sq. ft. in size, located at 732 Washington Street. The owners have agreed to grant this easement to the Town as part of the Town’s plan for improvements at the intersection of Washington Street and Grove Street. Approving this step will allow the Town to move forward with construction this summer of the intersection traffic light. ► Councilor Chandler thanked the Gordon family, owners of the land. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES. ► VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Hellen stated that the café at the Senior Center is open. He stated that the Senior Center will be holding strategic planning seminars in April. He stated that on May 14, 2022, from 9 AM to 1 PM, the MetroWest Arts & Culture Symposium will be held.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► None.
b. **Budget Subcommittee.** ► None.

- c. Economic Development Subcommittee.** ► Councilor Hamblen stated that they met prior to tonight's Town Council meeting. They discussed the West Street/East Street neighborhood follow up and the Town bylaw parking fines that have not been looked at for 20 years. That will come before the full Town Council for approval. They discussed changes regarding downtown district parking; the proposal will come before the full Town Council.

FUTURE AGENDA ITEMS: ► Councilor Pellegri asked that the Davis Thayer School be put on as an agenda item so it can be discussed. ► Councilor Sheridan asked for a response to the citizen comment presented at the meeting. ► Councilor Hamblen stated that she would like to see more about MassEnergize. ► Councilor Jones requested Davis Thayer School be put on an agenda.

COUNCIL COMMENTS: ► Councilor Hamblen hoped everyone was enjoying spring and getting outside. ► Councilor Cormier-Leger thanked the Gordon family for the easement. He thanked the Franklin Special Education Department for their great work. ► Councilor Chandler stated that he attended the EDC meeting tonight. He stated that the School was saving \$100,000 from health insurance and they were going to hire an assistant principal. With the Town's portion of that, he asked if the Town could use the money to bring back the civilian parking clerk as there are many upset people. ► Councilor Pellegri noted the parking issue that was discussed at the EDC meeting. She stated that a resident told her after the meeting that with cars parked on the street, the street sweeper could not do the job and the resident swept the street. ► Councilor Jones stated that his local had a women in industries event. ► Councilor Dellorco stated that the Franklin Special Education Department does a great job. He stated he received a few calls on the King Street crosswalk sign; people are still not stopping. He asked Mr. Hellen to take a look at that.

EXECUTIVE SESSION: None.

ADJOURN: ► MOTION to Adjourn by Dellorco. SECOND by Hamblen. No Discussion. ► ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES. ► VOTE: Yes-9, No-0, Absent-0.

Meeting adjourned at 8:17 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary