



FRANKLIN TOWN COUNCIL

March 27, 2013

7:00 PM

A. APPROVAL OF MINUTES – *December 19, 2012, January 9, 23, 2013*

B. ANNOUNCEMENTS – *This meeting is being recorded by Franklin TV and shown on Comcast channel 11 and Verizon channel 29. This meeting may be recorded by Franklin Matters.*

C. PROCLAMATIONS/RECOGNITIONS

D. CITIZEN COMMENTS

E. APPOINTMENTS

F. HEARINGS - *Town Council Proposal of Charter Amendment to Voters: Town Treasurer-Collector to be Changed from Elected to Appointed Position*

G. LICENSE TRANSACTIONS

H. PRESENTATIONS/DISCUSSIONS – *YMCA – Healthy Futures/Mass in Motion*

I. SUBCOMMITTEE REPORTS

J. LEGISLATION FOR ACTION

1. *Resolution 13-12: Grant of Utility Easement 218, 224 Oak Street (New High School)*
2. *Resolution 13-13: Appropriation: Pedestrian Safety Signal – Parmenter*
3. *Resolution 13-14: Appropriation: DelCarte Recreation Improvements*
4. *Resolution 13-15: Town Council Proposal of Charter Amendment To Voters: Treasurer-Collector to be Changed from Elected to Appointed Position*
5. *Resolution 13-16: Acceptance of Access Easement Over Property at 42 Hayward Street*
6. *Resolution 13-17: Acceptance of Access Easement Over Property at 31 Hayward Street*
7. *Resolution 13-18: Acceptance of Gift – Town of Franklin*
8. *Resolution 13-19: Acceptance of Gift – Franklin Fire Dept.*
9. *Resolution 13-20: Acceptance of Gift – Franklin Public Library*
10. *Zoning Bylaw Amendment 13-701: Changes to Chapter 185-3. Definitions- Referral to Planning Board*
11. *Zoning Bylaw Amendment 13-702: Changes to Chapter 185-36. Impervious Surfaces- Referral to Planning Board*
12. *Zoning Bylaw Amendment 13-703: Changes to Chapter 185-40. Water Resource District – Referral to Planning Board*
13. *Zoning Bylaw Amendment 13-704: Changes to Chapter 185, Attachment 9. Schedule of Lot, Area, Frontage, Yard and Height Requirements. – Referral to Planning Board*
14. *Zoning Bylaw Amendment 13-705: Changes to Chapter 185-5. Zoning Map, Single Family III to Business Zoning District – Referral to Planning Board*

K. TOWN ADMINISTRATOR'S REPORT

L. OLD BUSINESS

M. NEW BUSINESS

N. COUNCIL COMMENTS

O. EXECUTIVE SESSION – *Negotiations, Litigation, Real Property, as May Be Required*

P. ADJOURN

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
December 19, 2012**

A meeting of the Town Council was held on Wednesday, December 19, 2012 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present; Andrew Bissanti, Robert Dellorco, Glenn Jones, Matt Kelly, Thomas Mercer, Judith Pfeffer, Tina Powderly, Jeff Roy, Robert Vallee. Administrative personnel in attendance: Jeffrey Nutting; Town Administrator, Mark Cerel; Town Attorney and Maxine Kinhart; Assistant to the Town Administrator. Other officials present: Planning Director Bryan Taberner, Town Planner Beth Dahlstrom, Susan Gagner Town Comptroller.

CALL TO ORDER: Chairman Vallee called the meeting to order at 7:00PM and read a prepared statement by the Council in response to the incident that occurred in Newtown Connecticut. (attached to minutes) Chairman Vallee followed the prepared statement with a moment of silence and the Pledge of Allegiance.

APPROVAL OF MINUTES: *January 11, 2012 Budget Workshop* **MOTION** by Councilor Powderly to approve the minutes **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

ANNOUNCEMENTS: Chairman Vallee announced the meeting was recorded by Franklin TV and available for viewing on Comcast Channel 11 and Verizon Channel 29. The meeting was also recorded by Franklin Matters.

PROCLAMATIONS/RECOGNITIONS: Chairman Vallee read the proclamation in honor of former State Representative James E. Vallee and presented him with a Citizenship Award. Mr. Nutting and all of the Councilors reflected on Mr. Vallee's dedication to public service.

Chairman Vallee called a two-minute recess at 7:19PM.

CITIZEN COMMENTS: NONE. **APPOINTMENTS:** NONE.

HEARINGS:

Zoning Bylaw Amendment 12-695: Changes to Chapter 185, Section 31 – Site Plan and Design Review;

Zoning Bylaw Amendment 12-696: Changes to Chapter 185, Section 20 - Signs, Sign Approvals;

Zoning Bylaw Amendment 12-697: Changes to Chapter 185, Section 45 – Administration and Enforcement, Design Review Commission. **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.** Mr. Nutting explained the Town has over the past few years been working on streamlining the Site Plan Bylaw. The changes made to the Site Plan Review are necessary for the Town to be fair and consistent for everyone in the community. Town Planner Beth Dahlstrom and Planning Director Bryan Taberner explained the necessity for the proposed changes to the current bylaws. ► Councilor Pfeffer said she did not support the proposed changes as she felt the process was still too “bureaucratic”. ► Councilor Roy questioned how the Planning Department arrived at 500 square feet as the maximum space size allowed to receive an exemption, and said he shares some of the concerns Councilor Pfeffer mentioned. ► Chairman Vallee stated Councilors Bissanti, Jones and Pfeffer would meet with the Planning Department in order to resolve the issues the Council has with the proposed bylaw changes. **MOTION** by Councilor Jones to close the hearing **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

LICENSE TRANSACTIONS: NONE.

PRESENTATIONS/DISCUSSIONS: *Citizens Committee* – Larry Benedetto explained he had planned to have a final Committee presentation, but as it turned out the Committee will remain active for a while longer due to some unfinished business. He said work with the MBTA would continue in an effort to improve the Franklin Train Station. Mr. Benedetto also indicated the Committee supported the efforts of the Planning Department with regard to the Bylaw changes as a step in the right direction.

SUBCOMMITTEE REPORTS: NONE.

LEGISLATION FOR ACTION:

Resolution 12-75-R: Town of Franklin Net Metering Power Purchase Agreement Authorization: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.** **DISCUSSION:** Mr. Nutting explained the assessors wanted wording changed from “Payment In Lieu of Taxes Agreement” to “Taxes Agreement”. This resolution makes the wording change. **MOTION** by Councilor Powderly to move Resolution 12-75-R **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 12-85: Technology – Consulting - \$25,000: Councilor Pfeffer read the resolution to transfer \$25,000 from Free Cash to fund consulting services in the Technology FY2013 Budget. **MOTION** by Councilor Pfeffer to move Resolution 12-85 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained due to State school requirements, more staff and time has to be devoted to technology. The Town will devote \$25,000 and the School Department will hire the necessary staff. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 12-86: Health Insurance Payroll Withholdings Account - \$129,000: Councilor Pfeffer read the resolution to transfer \$129,000 from Free Cash to fund the overcharge to the Health Insurance Payroll Withholding Account. **MOTION** by Councilor Pfeffer to move Resolution 12-86 **SECONDED** by Councilor Jones. **DISCUSSION:** Comptroller Susan Gagner explained this resolution corrects an error that occurred in FY2012. The portion of employees’ health insurance premium that the Town subsidizes was charged to the Payroll Withholding Account instead of being charged to the Town’s Appropriation. Mr. Nutting said the employees paid the correct amount, there was just an accounting error. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 12-87: Kensington Estates - \$37,522: Councilor Pfeffer read the resolution to transfer \$37,522 from the Forfeited Performance Bond Account to the Kensington Estates Account to complete roadwork and related infrastructure work. **MOTION** by Councilor Pfeffer to move Resolution 12-87 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained the original developer of a 4-lot subdivision located off of Beech Street had begun roadwork and then sold the land to a second developer who went bankrupt before the roadwork was completed. This resolution would allow the Town to recover money from the Bond to finance the completion of the roadwork by the DPW. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 12-88: Acceptance of Gift – Recreation: Councilor Pfeffer read the resolution to accept the generous donation of \$250 from Richard and Rena Hertzberg to the Recreation Department. **MOTION** by Councilor Jones to move Resolution 12-88 **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 12-695: Chapter 185, Section 31 - Site Plan and Design Review – 1st Reading: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.** **DISCUSSION:** Mr. Nutting requests the amendment be “tabled” until the next meeting. **MOTION** by Councilor Jones to “TABLE” Zoning Bylaw Amendment 12-695, Zoning Bylaw Amendment 12-696 and Zoning Bylaw Amendment 12-697 **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Nutting referring to the Council's opening statement thanked the everyone on staff, including Maureen Sabolinski who sent out notices in an effort to inform the Town and parents on the School Department's plans to address the tragedy at Sandy Hook Elementary School. ► Mr. Nutting wished everyone a safe & happy holiday and reminded everyone to help out those who are less fortunate.

OLD BUSINESS: ► Councilor Roy said he met with representatives from National Grid. National Grid now has an action plan and will be working with Mr. Nutting in the next couple of months with follow-up plans.

NEW BUSINESS: ► Councilor Powderly inquired about the possibility of allowing residents to pay bills directly from their bank accounts. Mr. Nutting said Treasurer/Collector Jim Dacey is in the process of setting up direct payment and expects a system to be in place by the next fiscal year.

COUNCILOR COMMENTS: ► Councilor Roy thanked Chairman Vallee and Councilor Powderly for preparing the statement read at the beginning of the meeting. Councilor Roy said he will be sworn in on January 2, 2013 and will be attending a meeting that same afternoon on school safety. Councilor Roy wished everyone a happy holiday. ► Councilor Bissanti echoed Mr. Nutting's sentiments regarding how well the School Department reacted to the tragedy at Sandy Hook in an effort to reassure the Town's students and parents. ► Councilor Jones said he appreciated the letter penned by Chairman Vallee and Councilor Powderly. Councilor Jones said he felt comfort from the Town of Franklin, Franklin's teachers, principals and administration as they go out of their way every single day to make sure the children are safe. Councilor Jones wished everyone a Merry Christmas. ► Councilor Pfeffer said former Representative Jim Vallee did a great job for Franklin and wished everyone a Merry Christmas and Happy New Year. ► Councilor Powderly requested an update from Mr. Nutting on funding status for Fuel Assistance. Mr. Nutting said Fuel Assistance funds are okay at this time. Councilor Powderly reflected on the Friends of Franklin wrapping party experience. Councilor Powderly wished everyone happy holidays and Happy New Year. ► Councilor Dellorco thanked Chairman Vallee and Councilor Powderly for preparing the Council statement read at the beginning of the evening's meeting and wished everyone happy holidays. ► Councilor Mercer wished everyone a safe and happy holiday. ► Chairman Vallee wished everyone a Merry Christmas.

EXECUTIVE SESSION: Chairman Vallee said the Town Council would go into Executive Session to discuss real property and declared that an open meeting may have a detrimental effect on the position of the body. Open Session did not reconvene at the conclusion of the Executive Session. **MOTION** by Councilor Pfeffer to go into Executive Session to discuss real property and not to resume Open Session **SECONDED** by Councilor Jones. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.**

The Regular Session of the meeting ended at 8:11PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
January 9, 2013**

A meeting of the Town Council was held on Wednesday, January 9, 2013 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present; Andrew Bissanti, Robert Dellorco, Glenn Jones, Matt Kelly, Thomas Mercer, Judith Pfeffer, Tina Powderly, Jeff Roy, Robert Vallee. Administrative personnel in attendance: Jeffrey Nutting; Town Administrator, Mark Cerel; Town Attorney and Maxine Kinhart; Assistant to the Town Administrator.

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

APPROVAL OF MINUTES: *October 17, 2012 Regular Session* **MOTION** by Councilor Powderly to approve the minutes **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.**

ANNOUNCEMENTS: Chairman Vallee announced the meeting was recorded by Franklin TV and available for viewing on Comcast Channel 11 and Verizon Channel 29. The meeting was also recorded by Franklin Matters.

PROCLAMATIONS/RECOGNITIONS: NONE.

CITIZEN COMMENTS: NONE.

APPOINTMENTS: *Sandra Brandfonbrener - Library Board of Directors:* **MOTION** by Councilor Pfeffer to ratify the appointment of Sandra Brandfonbrener of 8 Beech Street to serve as a Member of the Library Board of Directors **SECONDED** by Councilor Powderly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

HEARINGS: NONE.

LICENSE TRANSACTIONS: *T.D. Beverage, Inc. – Change of Manager:* Councilor Pfeffer read the License Transaction request by T.D. Beverage, Inc. to change the manager for their Wine and Malt Alcoholic Beverages License to Christina Dagliere. **MOTION** by Councilor Pfeffer to approve the request for a Change of Manager to Christina Dagliere **SECONDED** by Councilor Powderly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

PRESENTATIONS/DISCUSSIONS: *Medical Marijuana Zoning* – Mr. Nutting discussed the recently adopted Medical Marijuana Law which took effect on January 1, 2013. Mr. Nutting, Mr. Cerel and the Council members discussed the best approach to take without the benefit of knowing what, if any demand there will be in Franklin. It was decided to allow Medical Marijuana Facilities to locate in the industrial parks and to further study this issue.

SUBCOMMITTEE REPORTS: NONE.

LEGISLATION FOR ACTION:

Zoning Bylaw Amendment 12-695: Chapter 185, Section 31 – Site Plan and Design Review – 1st Reading: **MOTION** by Councilor Jones to “TABLE” Zoning Bylaw Amendment 12-695 **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 12-696: Chapter 185, Section 20 – Signs, Sign Approvals – 1st Reading: **MOTION** by Councilor Jones to “TABLE” Zoning Bylaw Amendment 12-696 **SECONDED** by

Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 12-697: Chapter 185, Section 45 – Administration and Enforcement, Design Review Commission – 1st Reading: MOTION by Councilor Jones to “TABLE” Zoning Bylaw Amendment 12-697 **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 12-695 PROPOSED: Chapter 185, Section 31 – Site Plan and Design Review – 1st Reading: Councilor Pfeffer read the bylaw amendment to delete the entire section of Chapter 185, Section 31 and adding text **MOTION** by Councilor Powderly to amend Zoning Bylaw Amendment 12-695 **SECONDED** by Councilor Jones. **DISCUSSION:** Councilor Pfeffer stated she supported this amended version as the process is logical and will be easier for people to follow. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 12-695 AMENDED: Chapter 185, Section 31 – Site Plan and Design Review – 1st Reading: Councilor Pfeffer read the bylaw to add text. **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 12-695 to a 2nd Reading as Amended **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting and Mr. Cerel explained the changes made to this bylaw. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 12-696: Chapter 185, Section 20 – Signs, Sign Approvals – 1st Reading: MOTION by Councilor Powderly to move Zoning Bylaw Amendment 12-696 to a 2nd Reading **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 12-697: Chapter 185, Section 45 – Administration & Enforcement, Design Review Commission – 1st Reading: MOTION by Councilor Powderly to move Zoning Bylaw Amendment 12-697 to a 2nd Reading **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Bylaw Amendment 12-699: Amendment of Service Fees – Administration: Alcoholic Beverages License – 1st Reading: Councilor Pfeffer read the bylaw amendment to amend the List of Service Fee Rates. **MOTION** by Councilor Pfeffer to move Bylaw Amendment 12-699 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained the need to add an Innholders – All Alcoholic Beverages fee to the List of Service Fee Rates. **VOTE to Approve: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR’S REPORT: Mr. Nutting provided the Council with the following updates: ► Fuel Assistance funding remains the same, no issues reported to date. ► Treasurer-Collector Jim Dacey reported to Mr. Nutting he did not receive adequate responses to the RFP (Request for Proposal) for E-Billing. The plan is to continue to search for E-Billing options. ► School Administration, Police Department and Department of Public Works will work together to address traffic issues surrounding Parmenter School during the morning hours. ► FY14 Budget will not be as difficult as the FY15 Budget. Mr. Nutting said he is very concerned about the FY15 Budget. His number one goal is to preserve jobs. ► Mr. Nutting reviewed the many accomplishments of the sitting Council this past year and thanked the Council for balancing today’s needs with tomorrow’s obligations. Mr. Nutting also wished everyone a Happy New Year.

OLD BUSINESS: NONE.

NEW BUSINESS: ► Councilor Dellorco requested the Department of Public Works Director Robert Cantoreggi attend a Council Meeting and provide a presentation on the department’s snow removal efforts.

COUNCILOR COMMENTS: ► Councilor Mercer said the New High School Project remains on

schedule. The foundation and footings are being poured and steel work will begin by the end of January, or the beginning of February. ► Councilor Powderly thanked Mr. Nutting and the rest of the Town's administration for all the help they give to the Council. ► Councilor Pfeffer congratulated The Shire Book Shop for the award it received from Yankee Magazine and encouraged people to visit the shop located on Union Street. ► Councilor Bissanti thanked the Planning Board and the Planning Department for the insightful workshop they recently held. Councilor Bissanti also wished his fellow Councilors a Happy New Year. ► Councilor Roy congratulated the Council and the Administration on all of their accomplishments.

ADJOURN: MOTION by Councilor Mercer to adjourn **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.** Meeting adjourned at 7:46PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
January 23, 2013**

A meeting of the Town Council was held on Wednesday, January 23, 2013 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present; Andrew Bissanti, Robert Dellorco, Glenn Jones, Matt Kelly, Thomas Mercer, Judith Pfeffer, Tina Powderly, Jeff Roy, Robert Vallee. Administrative personnel in attendance: Jeffrey Nutting; Town Administrator, Mark Cerel; Town Attorney and Maxine Kinhart; Assistant to the Town Administrator. Other officials present: Jim Dacey; Treasurer/Collector, Brutus Cantoreggi; Department of Public Works Director, Carlos Rebelo; Department of Public Works Highway Superintendent, Maureen Sabolinski; Superintendent of Schools.

CALL TO ORDER: Chairman Vallee called the meeting to order at 7:00PM with a moment of silence and the Pledge of Allegiance. Chairman Vallee noted former councilman and assessor Vinnie DeBaggis had recently passed away.

APPROVAL OF MINUTES: *November 7, 2012 Regular Session.* **MOTION** by Councilor Powderly to move approval of minutes **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

ANNOUNCEMENTS: Chairman Vallee announced the meeting was recorded by Franklin TV and available for viewing on Comcast Channel 11 and Verizon Channel 29. The meeting might also have been recorded by Franklin Matters.

PROCLAMATIONS/RECOGNITIONS: NONE.

CITIZEN COMMENTS: Franklin Food Pantry Chairman of the Board; Steve Sherlock of 10 Lawrence Drive notified the Council of the Pantry's 3rd Annual Phonathon which will take place on February 6 & February 16, 2013. Mr. Sherlock appealed for additional volunteers and thanked Dean College for their support of the fundraiser.

APPOINTMENTS: *Historical Commission – Connie Lawson:* **MOTION** by Councilor Pfeffer to ratify the appointment of Connie Lawson of 46 Prospect Street to serve as a full Member of the Historical Commission **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.**

HEARINGS: NONE.

LICENSE TRANSACTIONS: NONE.

PRESENTATIONS/DISCUSSIONS: *Jim Dacey – Treasurer Collector:* Mr. Dacey provided an overview of the responsibilities of the Treasurer/Collector's Office. Mr. Dacey estimated \$130 million dollars pass through the Treasurer/Collector's Office each year. Mr. Dacey said he is constantly looking for more efficient ways to manage the office. Mr. Dacey also provided a projection of the Office turnover during the next 5 years – which included his own retirement during that time. He made the case that the Treasurer/Collector ought to be an appointed position and not an elected position citing the extensive experience and certification required of the position. Discussion followed regarding adding the Treasurer/Collector Appointment as ballot question in this fall's election.

Brutus Cantoreggi – Director of Public Works: Mr. Cantoreggi provided an overview of the Town's snow removal system with the assistance of Highway Superintendent Carlos Rebelo and Superintendent of Schools Maureen Sabolinski. Mr. Cantoreggi reviewed the varying snow removal costs depending on if roads are plowed, sanded, salted and the use of contract drivers. Mr. Cantoreggi described the system the Department uses to determine how roadways will be treated. Variables such as weather forecast and time of day when a storm is expected determine the course of action. Several Councilors asked

questions regarding how the DPW determines whether to plow the roads or treat the roadways with sand/salt. Plowing does not occur if less than 3 inches of snow is predicted. Roadways are treated with minimum salt for environmental reasons. Mr. Cantoreggi stated storms which begin during the early morning rush hour are the most difficult to predict and to maintain cleared roadways. Mr. Cantoreggi stated main roads are the priority so that emergency vehicles can travel, and school and municipal properties are next. ► Councilor Dellocco expressed concern the cost of snow treatment/removal was a greater concern than the safety of its residents. Councilor Dellocco recounted his own recent experience driving on snow covered roadways and spoke of a number of car accidents that occurred during recent snow events because of poor roadway conditions. ► Several councilors asked for more information regarding how the Town determines when to issue a delayed school opening or school closing. Mr. Cantoreggi and Ms. Sabolinski explained the Police Department, DPW and Ms. Sabolinski collaborate to make the decision. The decision must be made by 5:30AM – so morning storms are particularly difficult to gage.

SUBCOMMITTEE REPORTS: NONE.

LEGISLATION FOR ACTION:

Resolution 13-01: Appropriation – Capital FY 13: Councilor Pfeffer read the resolution to transfer/appropriate \$1,598,000 from Free Cash to be expended for the 2013 Capital Improvement Plan. **MOTION** by Councilor Pfeffer to move Resolution 13-01 **SECONDED** by Councilor Jones.

DISCUSSION: Mr. Nutting explained all budget items were vetted by the Council Subcommittee and voted unanimously to move forward. A few requests were being postponed until later on in the year when the Town has a better handle on finances. ► Councilor Powderly noted there were no requests for textbooks in the school budget. Ms. Sabolinski explained the Department has decided not to order/invest in any new textbooks until the State completes the curriculum changes for next year and the impact of those changes are analyzed. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-02: Appropriation – Sewer Enterprise Capital FY 13: Councilor Pfeffer read the resolution to transfer/appropriate \$163,000 from Sewer Retained Earnings to be expended for the FY 2013 Sewer Enterprise Capital Improvement Plan. **MOTION** by Councilor Pfeffer to move Resolution 13-02 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained sewer pumps are becoming increasingly clogged with “swiflers”. Mr. Nutting said the plan is to install grinder pumps that will prevent the sewer pumps from clogging. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-03: Appropriation – Water Enterprise Capital FY 13: Councilor Pfeffer read the resolution to transfer/appropriate \$136,000 from Water Retained Earnings to be expended for the FY 2013 Water Enterprise Capital Improvement Plan. **MOTION** by Councilor Pfeffer to move Resolution 13-03 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained the Town is replacing the old and worn out water pump generators. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-04: Appropriation – Water Enterprise Water Lines FY 13: Councilor Pfeffer read the resolution to transfer/appropriate \$900,000 from Water Retained Earnings to be expended for the FY 2013 Water Line Capital Improvement Plan. **MOTION** by Councilor Pfeffer to move Resolution 13-04 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained this resolution continues a very successful program to replace water lines. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Bylaw Amendment 13-699: Amendment of Service Fee Rates – Administration: Alcoholic Beverages License - 2nd Reading: Councilor Pfeffer read the bylaw to amend Service Fee Rates. **MOTION** by Councilor Jones to move Bylaw Amendment 13-699 **SECONDED** by Councilor Mercer.

DISCUSSION: Mr. Nutting explained this is the addition of a fee for hotels, which will enable the hotels to serve alcohol to their customers. The fee addition was at the request of hotels so that they may

maintain their businesses. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting recognized Michael Squillace Family. Mr. Squillace who recently passed away, was a Town of Franklin employee where he worked as a laborer and equipment operator since 2005. Prior to working for the Town, Mr. Squillace served 2 tours of duty overseas in Afghanistan. Mr. Nutting said Mr. Squillace death was the result of Post Traumatic Stress Disorder. ► Mr. Nutting said he had attended a Water Works Association meeting where David Allard was recognized by his peers for the great work he does at the Franklin Water Department. ► Mr. Nutting said the Charles River Watershed Association plans to recognize at their annual meeting this April, Brutus Cantoreggi as an outstanding public official. ► The Governor’s Budget comes out tomorrow. Mr. Nutting plans to proceed cautiously until there is a firmer grasp on the economic situation.

OLD BUSINESS: NONE.

NEW BUSINESS: Councilor Kelly requested at the next Council Meeting a discussion on changing the Town Treasurer position from an elected position to an appointed position be added to the Agenda.

COUNCILOR COMMENTS: ► Councilor Kelly sent his condolences to the DeBaggis Family. ► Councilor Powderly said she had received an anonymous letter regarding smoking. Councilor Powderly said smoking issues fall under the jurisdiction of the Board of Health, and anonymous letters no matter how important the issues addressed in the letters cannot be addressed by the Council. ► Councilor Pfeffer asked about the condition of Ledge Street. Mr. Nutting said he has gone out to the site and is aware the whole neighborhood needs repairs. Temporary repairs will be made when weather allows and permanent repairs will be completed by this summer. ► Councilor Jones asked Mr. Nutting if he had any information regarding the recent National Grid commercials asking customers to register with them so that during a weather emergency the customers can receive service updates via emails/texts. Mr. Nutting said he did not have any information on this program. Councilor Jones also asked if National Grid is scheduled to return to the Council. Mr. Nutting said he is not aware of any plans for National Grid to provide any additional presentations. Mr. Nutting said National Grid plans to repair the Union Loop during the next 1-4 years and will continue to make repairs to their system. Mr. Nutting expects an update from National Grid when the power company has completed the upgrade of their communication plan. Councilor Jones asked if it is possible to invite the newly elected officials to a Council Meeting. Mr. Nutting said scheduling the newly elected officials are being worked on now. ► Councilor Bissanti sent his condolences to the Squillace Family and the DeBaggis Family. Councilor Bissanti said the use of Calcium Chloride works 13x faster than rock salt and de-ices twice as fast on roadways. ► Councilor Roy offered his condolences to the DeBaggis Family and was thankful the Council was able to give Mr. DeBaggis his Citizenship Award in December. ► Councilor Vallee asked about the budget. Mr. Nutting said another budget will come out in April.

ADJOURN: MOTION by Councilor Jones to adjourn **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.** Meeting adjourned at 8:36PM.

The Regular Session of the meeting ended at 8:36PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary

PUBLIC

HEARINGS

1. TOWN COUNCIL PROPOSAL OF CHARTER
AMENDMENT TO VOTERS: TOWN TREASURER-
COLLECTOR TO BE CHANGED FROM ELECTED TO
APPOINTED POSITION

PRESENTATIONS AND DISCUSSIONS

1. YMCA – HEALTHY FUTURES/MASS IN MOTION

LEGISLATION

FOR

ACTION



SPONSOR: ADMINISTRATION

TOWN OF FRANKLIN

RESOLUTION: 13-12

GRANT OF UTILITY EASEMENT 218, 224 OAK STREET (NEW HIGH SCHOOL)

WHEREAS, Town of Franklin is constructing a new high school at 218, 224 Oak Street, and

WHEREAS, the facility requires new electric service, and

WHEREAS, Massachusetts Electric Company is an electric company as defined in G.L. Chapter 164, Section 1 and provides electric service in the Town of Franklin; and

WHEREAS, Massachusetts Electric Company requires that the Town of Franklin grant it an access easement to provide electric service.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Council of the Town of Franklin hereby grants a utility easement to Massachusetts Electric Company through, under, over, across and upon land of the Town of Franklin located on the westerly side of Oak Street, shown as Lot #003 on Map 260 and Lot No. 110 on Map No. 269 of Town of Franklin Assessors' Maps for the sole purpose of providing electric service to the Town of Franklin's new high school and such other municipal facilities as may be constructed upon said land, as more fully set out and upon the terms and conditions contained in the easement instrument attached hereto as "Exhibit 1" and the Town Council hereby authorizes the Town Administrator to execute said easement instrument on its behalf.

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

DATED: March ____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Deborah L. Pellegrini
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

EXHIBIT 1

KNOW ALL MEN BY THESE PRESENTS

that the TOWN OF FRANKLIN, a municipal corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, having an address of 355 East Central Street, Franklin, Massachusetts 02038 (hereinafter referred to as the Grantor), for consideration of One (\$1.00) dollar, grants to MASSACHUSETTS ELECTRIC COMPANY, a Massachusetts corporation with its usual place of business at 40 Sylvan Road, Waltham, Massachusetts 02451 (hereinafter referred to as the Grantee) with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, lines to consist of, but not limited to, one (1) pole, (which may be erected at different times) with wires and cables strung upon and from the same and all necessary anchors, guys, and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") and "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" (hereinafter referred to as the "UNDERGROUND SYSTEM") located in Franklin, Norfolk County, Massachusetts, consisting of lines of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence and for the furnishing of electric service to the herein described premises, and without limiting the generality of the foregoing, but specifically including the following equipment, namely: manholes, manhole openings, bollards, handholes, junction boxes, transformers, transformer vaults, padmounts, padmount transformers and all housings, connectors, switches, conduits, cables and wires all located within the easement area of the hereinafter described property.

Said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are located in, through, under, over, across and upon certain parcels of land situated on the westerly side of Oak Street, being more particularly shown as Lot No. 003 on Map No. 260 and Lot No. 110 on Map No. 269 of the Town of Franklin Assessor Maps, also identified as 218 and 224 Oak Street.

WR # 13799322

Address of Grantees:
Mass El. - 40 Sylvan Road, Waltham, Massachusetts 02451

After recording return to:
Elizabeth Fresolone
National Grid
Service Company, Inc.
280 Melrose Street
Providence, RI 02907

05 FRANMA GEN

Said "OVERHEAD SYSTEM" is to originate from Pole P27, which is located on the easterly side of Oak Street, then proceed in a westerly direction from said Pole crossing Oak Street over, upon and across land of the Grantor to new Pole P27-71.

And further, said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) are approximately shown on a sketch entitled: "Massachusetts Electric, Southeast District - Hopedale; Work Location: New Franklin High School, 218 Oak St, Franklin, MA 02038; District Engineer: M. Roberts; DATE: 01/21/2013; EASEMENT DRAWING: 13799322," a reduced copy of said sketch is attached hereto as "Exhibit A" and recorded herewith, copies of which are in the possession of the Grantor and Grantee herein, but the final definitive locations of said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall become established by and upon the installation and erection thereof by the Grantee.

Also with the further perpetual right and easement from time to time without further payment therefore to pass and repass over, across and upon said land of the Grantor as is reasonable and necessary in order to renew, replace, repair, remove, add to, maintain, operate, patrol and otherwise change said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantee, its successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are specifically located, as shown on the sketch herein referred to, of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantee, interfere with the efficient and safe operation and maintenance of the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and other related electrical equipment. However, said Grantee, its successors and assigns, will properly backfill said excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

If said herein referred to locations as approximately shown on the sketch herein also referred to are unsuitable for the purposes of the Grantee, its successors and assigns, then said locations may be changed to areas mutually satisfactory to both the Grantor and the Grantee herein; and further, said newly agreed to locations shall be indicated and shown on the sketch above referred to by proper amendment or amendments thereto. The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantee, for itself, its successors and assigns, that this Grant of Easement and the location of the Overhead System and Underground System may not be changed or modified without the written consent of the Grantee, its successors and assigns, which consent may be withheld by the Grantee in its sole discretion.

It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within the Grantor's land an "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" for the transmission of intelligence and for the purpose of supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM".

It is agreed that the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon. Grantor agrees that the rights and easement herein granted are for the purpose of providing service to Grantor's property from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM".

For Grantor's title, see two deeds, one dated May 25, 1961, recorded with the Norfolk County Registry of Deeds in Book 3902, Page 350, and one dated September 13, 1966, recorded with said Registry of Deeds in Book 4391, Page 513. No new boundaries are created by this document.

IN WITNESS WHEREOF, the TOWN OF FRANKLIN, acting by and through its Town Administrator, being duly authorized, has executed this easement as of this _____ day of _____, 2013.

TOWN OF FRANKLIN

By: Jeffrey Nutting
Its: Town Administrator

Commonwealth of Massachusetts

County of _____ } ss.

On this the _____ day of _____, _____, before me,

Day

Month

Year

_____ the undersigned Notary Public,

Name of Notary Public

personally appeared Jeffrey Nutting, proved to me through satisfactory evidence of identity,
which was/were _____

Description of Evidence of Identity

to be the person whose name is signed on the preceding Grant of Easement, and acknowledged
to me that he signed it voluntarily for its stated purpose(s) as Town Administrator of the Town of
Franklin.

Signature of Notary Public

Printed Name of Notary

My Commission Expires _____

Place Notary Seal and/or Any Stamp Above

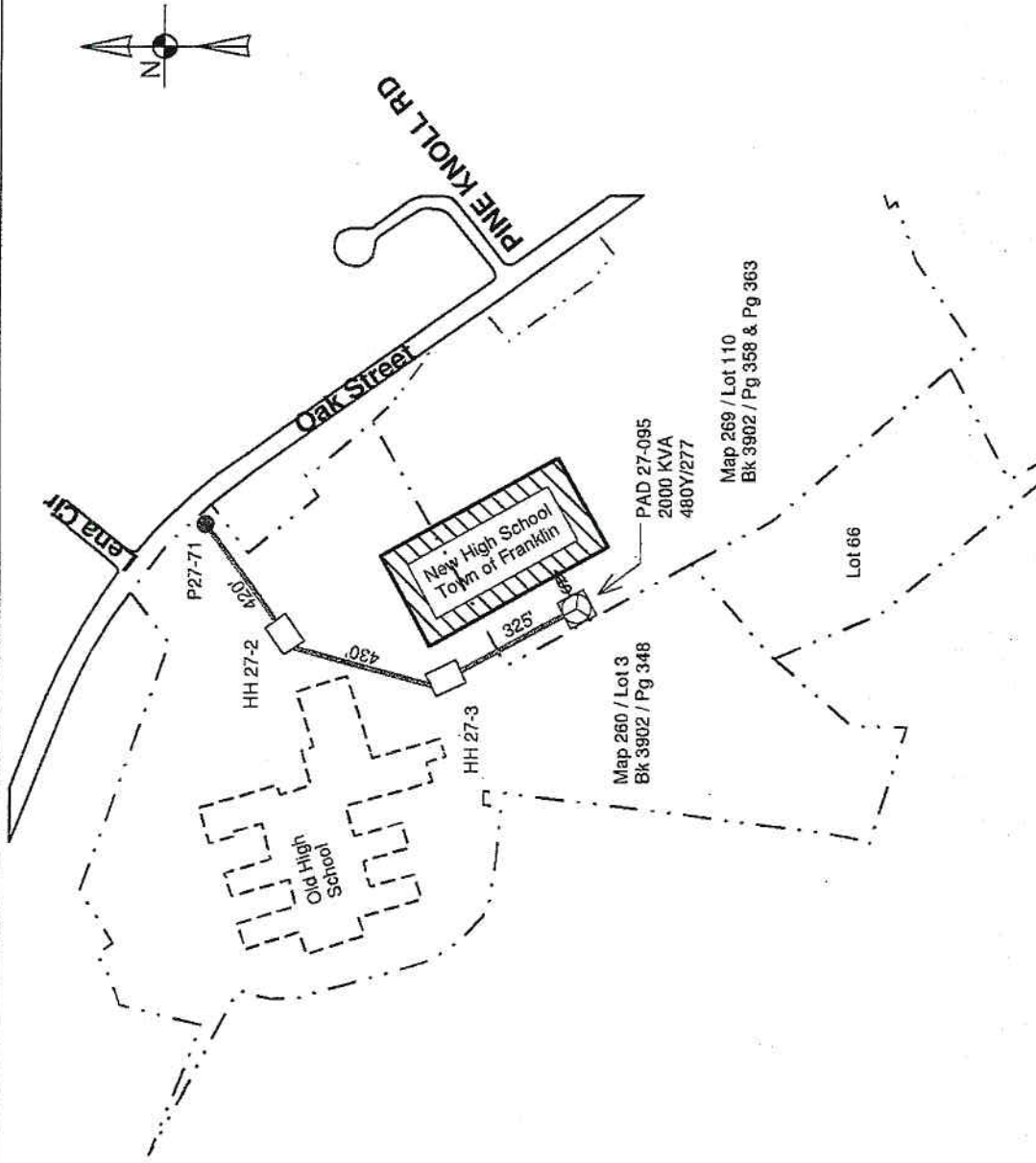


Massachusetts Electric
Southeast District, Hopdale

Feeder # 344W1

Work Location New Franklin High School - 218 Oak St, Franklin, Ma 02038
DATE: 01/21/2013 EASEMENT DRAWING : 13799322

District Engineer M. Roberts



LEGEND

- NEW JO POLE
- EXISTING HEAVY DUTY HAND HOLE
- UG PRIMARY WIRE IN 4" PVC ENCASED CONDUIT
- ⊠ THREE PHASE PAD MOUNT TRANSFORMER
- ← CUSTOMERS SERVICE WIRE
- - - PROPERTY LINE

NOTES:

EASEMENTS TO BE OBTAINED FOR POLE, 3 PHASE PRIMARY, AND UG PAD MOUNT TRANSFORMER AS SHOWN ON EASEMENT SKETCH.

EXHIBIT 'A'

NOT TO SCALE

The exact location of said Facilities to be established by and upon the Installation and erection of the Facilities thereof.

TOWN OF FRANKLIN

TO

MASSACHUSETTS
ELECTRIC COMPANY

GRANT OF EASEMENT

AFTER RECORDING RETURN TO:

STEPHEN T. TIARKS ESQ.
NATIONAL GRID
SERVICE COMPANY, INC.
40 SYLVAN ROAD

Approved By: _____



TOWN OF FRANKLIN

RESOLUTION NO.: 13-13

APPROPRIATION: Pedestrian Safety Signal - Parmenter

TOTAL REQUESTED: \$ 35,000

PURPOSE: To transfer/appropriate funds from Free Cash for the purpose of installing a Pedestrian Safety Signal at Parmenter School on King Street.

FINANCE COMMITTEE ACTION

Meeting Date: 3/14/13 Vote:

Recommended Amount: \$ 35,000

MOTION

Be It Moved and Voted by the Town Council that the sum of Thirty-five Thousand Dollars (\$35,000) be transferred/appropriated from Free Cash to fund the installation of a Pedestrian Safety Signal at Parmenter School on King Street.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

YES _____ NO _____

A True Record Attest:

ABSTAIN _____

ABSENT _____

**Deborah L. Pellegri
Town Clerk**

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

**TOWN OF FRANKLIN
REQUEST FOR FUNDS**

FISCAL YEAR 2013

DATE: 03/06/13

DEPARTMENT/COMMITTEE requesting funds	<u>Administration</u>
---------------------------------------	-----------------------

ACCOUNT NAME Pedestrian Safety Signal (Parmenter)

ACCOUNT NUMBER _____

BALANCES: (To be filled in by Town Comptroller)

ORIGINAL BUDGET \$ \$ -

BALANCE UNEXPENDED	\$	\$	-
--------------------	----	----	---

AMOUNT REQUESTED \$ \$ 35,000

REASON:

To place pedestrian safety signal at Parmenter School	35,000
---	--------

SOURCE OF FUNDING:

Free Cash	35,000
-----------	--------

Town Administrator Approval _____

ACTION OF FINANCE COMMITTEE

DATE OF MEETING: _____ NUMBER PRESENT: _____ VOTE: _____

	RECOMMENDED	AMOUNT	\$
1. General			
2. Specific			
3. Other			
4. Total			

NOT RECOMMENDED

FINANCE COMMITTEE CHAIR

FRANKLIN DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
257 Fisher Street
Franklin, MA 02038

Tel: 508 - 553 - 5500
Fax: 978 - 520 - 4939



DATE: 2/15/2013

MEMORANDUM

TO: Jeff Nutting, Town Administrator
FROM: Michael Maglio, P.E., Asst. Town Engineer
SUBJECT: King St Traffic Calming near the Parmenter School

RECEIVED

FEB 19 2013

CC: Brutus Cantoreggi, Director of Public Works
Chief Semerjian, Franklin Police Dept.

TOWN ADMINISTRATOR
TOWN OF FRANKLIN

Introduction

King St from I-495 to East Central St is functionally classified as a minor arterial under Town jurisdiction and has a posted speed limit of 35 mph.

The Parmenter Elementary School is located on Wachusett St at the corner of Wachusett and King, and there is a mid-block crosswalk across King St at Wachusett St. There is a crossing guard stationed at this crosswalk at the beginning and end of the school day.

There is also a posted School Zone in this area with signs indicating a reduced speed limit of 20 mph when flashing. The flashing School Zone signs were observed to operate from 8:00am to 8:45am in the morning, and from 2:30pm to 3:15pm in the afternoon.

Automatic traffic recorders were set out to collect traffic volumes and speed data on King St, just south of Wachusett St, on Wednesday, January 23 and Thursday, January 24, 2013.

The analysis of the collected data is shown below.

Traffic Volumes

Average daily volume was observed to be approximately 12,250 vehicles per day with an even 50/50 split between northbound and southbound traffic. Heavy truck traffic was observed to be less than 1% of the total traffic volume.

Morning peak hour traffic volumes averaged 943 vehicles per hour and coincided with the morning commute between 7-9 AM.

Evening peak hour traffic volumes averaged 1070 vehicles per hour and coincided with the evening commute between 4-6 PM.

Vehicle Speeds

The 85% speed for northbound vehicles (heading to East Central St) was observed to be 37 mph.

The 85% speed for southbound vehicles (heading to I-495) was observed to be 41 mph.

School Zone Observations

When school zone signs were flashing, the 85% speeds were found to fall within the following ranges:

Northbound (to East Central St) 85% speeds – AM – 28-32 mph
PM – 35-39 mph

Southbound (to I-495) 85% speeds – AM – 32-36 mph
PM – 37-41 mph

The above indicates that although there is a slight reduction in speeds during the morning school zone period, it is still well above the 20 mph limit. There is no noticeable reduction in speeds during the afternoon school zone period.

Sight Distance

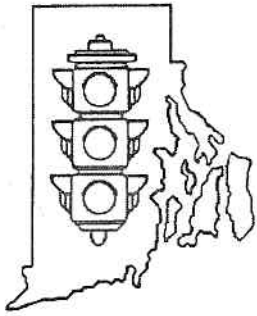
Although King St has a posted speed limit of 35 mph, the minimum Stopping Sight Distance should be based on an observed 85% speed of approximately 40 mph. This results in a minimum required Stopping Sight Distance of 305 ft. Based on field observations, sight distance in the vicinity of the mid-block crosswalk at King and Wachusett St. exceeds this minimum requirement.

Recommendations

Whereas King Street is functionally classified as an arterial and traffic volumes are as high as 12,000 vehicles per day, traffic calming measures that utilize geometric changes or physical barriers such as raised tables, speed humps, etc... are not appropriate for this location.

However, because the current school zone flashers are not having the desired effect of slowing traffic down when the school zone speed limit is in effect, and because of the potential pedestrian conflicts at the existing school crosswalk, we recommend the following:

- ***Install a pedestrian actuated cross-walk signal at the existing crosswalk on King St.***
Because construction of a traditional traffic signal with pedestrian actuation would require running underground power and replacing sections of sidewalk and pavement and could have an order of magnitude cost in the \$100,000 range, we recommend using a solar-powered rectangular rapid flashing beacon at an estimated cost of \$20,000 including installation.
(See attached)
- **Replace the existing school zone flashing signs with new signs that incorporate radar detection and a "Your Speed Is" sign.** It is anticipated that these signs can be installed in the same locations and utilize the same power feed as the current school zone flashing signs. The estimated cost is \$15,000 including installation.
(See attached)



Ocean State Signal Co.

27 Thurber Blvd

Smithfield, RI 02917

Tel: 401-231-6780 Fax: 401-231-4390

email: amcbride@oceanstatesignal.com

DATE: 1/3/2013

TO: Carlos Rebelo - HWY Superintendent

FROM: Andy McBride

LOCATION: Franklin, MA

PHONE: 508-520-4910

ITEM NUMBER: 1 (ea) Solar RRFB Crosswalk System

EMAIL: crebelo@franklin.ma.us

INTERSECTION:

REF: Budget Quote

Quantity	ITEM/MATERIAL DESCRIPTION				
1 (ea)	Solar RRFB Crosswalk System C/O:				
	4 (ea) RRFB LED Assembly				
	2 (ea) 55W Solar System w/Radio				
	2 (ea) Pushbutton/Frame/Sign				
	4 (ea) 30" W11-2 Pedestrian Crossing Signs				
	2 (ea) W16-7L Down Left Arrow Sign				
	2 (ea) W16-7R Down Right Arrow Sign				
	2 (ea) 14' Pedestal w/Base				
	2 (ea) Pole Cap				
	1 (ea) Software Kit				
				TOTAL	\$11,700.00 (ea)
	NOTE: FURNISH ONLY				

TERMS AND CONDITIONS:

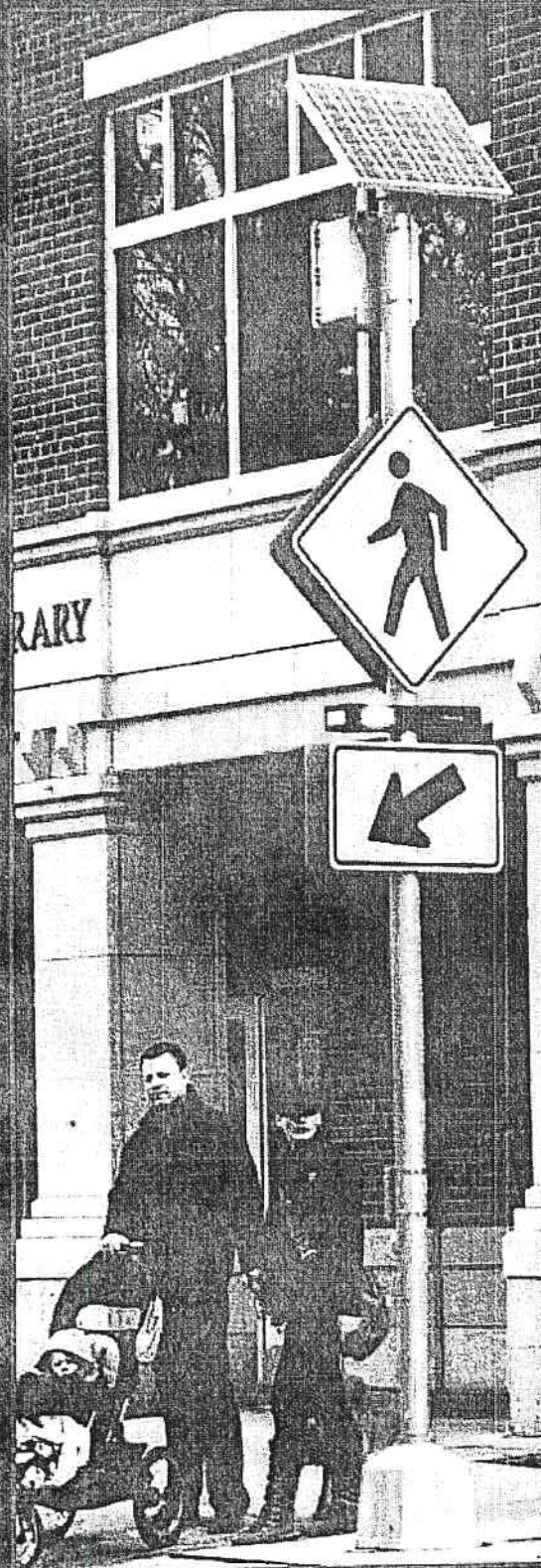
The above price is NET F.O.B shipping point with full freight allowed and pre-paid to one destination in Massachusetts. Terms quoted are Net Thirty and this quote is guaranteed for 30 days.

BEST REGARDS,

Andy McBride

LED Rectangular Rapid-Flash Beacon (RRFB) 3.0

Increased Visibility for Pedestrian Crossings and School Zone Crossings



- Provides clear & positive warning
- Driver yielding rates of 80% to 90%
- More effective than round beacons
- Solar = Zero operating costs
- No maintenance required
- Clean, uncomplicated installation
- LED Indicators for pedestrians
- BlinkSync™ wireless synchronization
- Certified SAE JA595-compliant LEDs

RRFB studies show a dramatic increase of driver compliance in yielding to pedestrians at high-risk uncontrolled crossings. RRFBs have produced 80% to 90% yielding rate, highest of all devices that do not feature a red display, and up to 4 times greater than a regular round beacon. RRFBs cost less than other devices that produce similar vehicular yield rates.

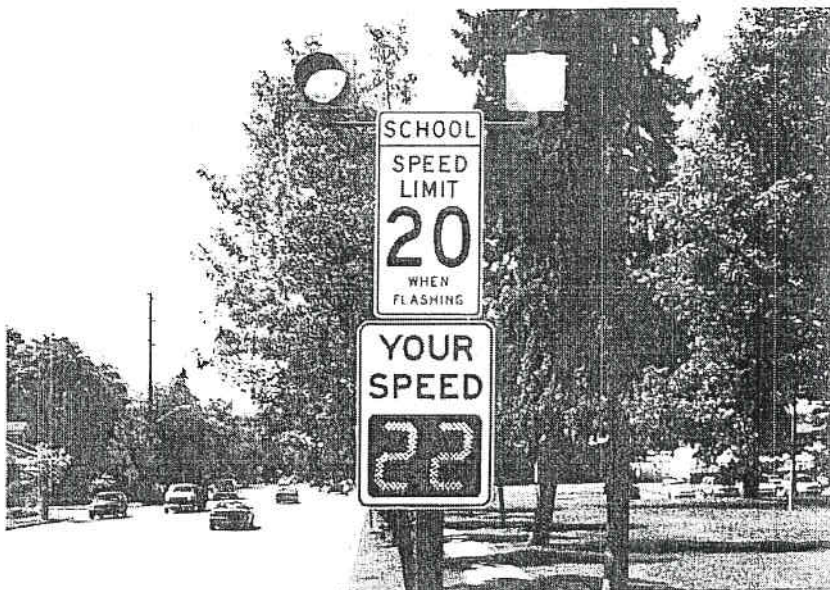
RRFB feature multiple arrays of brilliant LEDs that, when activated, flash a warning in a specified, alternating 'wig-wag' pattern, thereby commanding the attention of drivers by *Day And Night*. Additional side-mounted LED arrays flash concurrently to let pedestrians know that the unit is flashing. Optional self-powered remote pushbutton activation available.

TAPCO's RRFB feature aimable LEDs in a sturdy housing with a closed top and bottom, and no exposed wiring. See reverse for specifications.

SafePace™ School Zone System

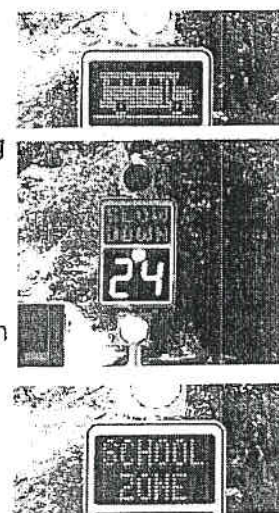
The Traffic Logix® school zone system protects children in and around their schools by reminding drivers of reduced speed limits and returning their attention to the road. By reducing speeds, the system reduces potential road accidents.

For use with any of the radar speed signs in the SafePace™ series, the school zone system is a low cost, low maintenance solution that ensures that children can walk and bike to school safely.



Features

- Flashing beacon lights notify motorists when school speed limits are in effect
- Regulatory white sign indicates lower school speed limit when lights are flashing
- Program by time of day, week, and year based on school schedules
- Optional data collection available
- Solar power available (AC Power standard)
- For use with the SafePace 100 low-cost sign, SafePace 400 driver feedback sign, SafePace 500 variable speed limit sign, and SafePace 600 dynamic messaging sign
- Signs include integrated flashing speed violator strobe to further alert speeding drivers
- Customize sign messages and include animated graphics when using with the SafePace 600
- Excellent visibility even in poor lighting conditions





TOWN OF FRANKLIN

RESOLUTION NO.: 13-14

APPROPRIATION: DelCarte Recreation Improvements

TOTAL REQUESTED: \$ 395,000

PURPOSE: To transfer/appropriate funds from

DelCarte Dam Repairs Resolution 12-44, account # 01128900 - \$351,470 and
DelCarte Open Space Resolution 09-27 and 10-48R, account # 01172900 - \$43,530

For the purpose of funding Recreation Improvements at the DelCarte property

FINANCE COMMITTEE ACTION

Meeting Date: 3/14/13 **Vote:**

Recommended Amount: \$ 395,000

MOTION

Be It Moved and Voted by the Town Council that the sum of Three Hundred Ninety-five thousand Dollars (\$395,000) be transferred/appropriated from Accounts 01128900 in the amount of Three Hundred and Fifty-one thousand Four Hundred and Seventy Dollars (\$351,470) and 01172900 in the amount of Forty-three Thousand Five Hundred and Thirty Dollars (\$43,530) to fund the Recreation Improvements at the DelCarte Property.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

A True Record Attest:

ABSTAIN _____

ABSENT _____

Deborah L. Pellegri
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council

OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

DATE: February 12, 2013
TO: Town Council
FROM: Jeffrey D. Nutting, Town Administrator
RE: DelCorte Recreation Area

The dam reconstruction is on schedule and should be complete by the end of June. Once complete, we would like to proceed with the other improvements as outlined in the proposed plan.

Please find attached a memo from staff to the Conservation Commission requesting approval of the proposed recreation plan. Once the plan has been approved, we plan on holding a public hearing, as well as notifying the folks in the neighborhood, to seek comment and input on the proposed plan.

Once the hearing has taken place, I will be requesting that the Town Council transfer funds from the existing DelCorte Project account to fund the improvements.

Please feel free to call with questions.

DelCorte Playground and Conservation Area Development Budget

PROJECT ELEMENT	COST
SITE PREPARATION AND PARKING LOT COSTS	
Site Preparation:	
Site Preparation (clearing, grading, etc.)	\$6,000.00
Earthwork (excavation and backfill)	\$10,000.00
Site Preparation Total:	\$16,000.00
Parking Lot Construction:	
Base coat	\$15,000.00
Top coat	\$10,000.00
Striping	\$1,000.00
Rain Garden	\$10,000.00
Parking Lot Construction Total:	\$36,000.00
Access Road to Conservation Property:	
Paved:	\$6,000.00
Access Road to Conservation Property Total:	\$6,000.00
Other Site Features:	
Tree Plantings (Screening)	\$3,000.00
Site Fencing	\$9,000.00
Other Site Features Total:	\$12,000.00
TOTAL SITE PREPARATION AND PARKING LOT COSTS	\$70,000.00
PLAYGROUND DEVELOPMENT	
Playground Equipment:	
Cornellius Tree Design Playground structure	\$130,000.00
Additional Net Attached to high side of freestanding rock boulder	\$3,000.00
2-Bay PrimeTime Swings 2-belt and tot seat package	\$3,000.00
Mushrooms Fun Facts	\$700.00
Trees Fun Facts	\$700.00
Bird Fun Facts Sign	\$700.00
Total Playground Equipment:	\$138,100.00
Playground Amenities:	
2 - Leaf Trash Receptacle	\$1,700.00
2 - Leaf Bench	\$1,300.00
3 - Tree Stump Chairs	\$1,600.00
Tree Stump Table	\$600.00
6' half log bench	\$1,700.00
Total Playground Amenities	\$6,900.00
Other Playground:	
Surfacing - Wood Fiber 8" depth	\$6,000.00
Installation and delivery	\$44,000.00
Total Other Playground:	\$50,000.00
TOTAL PLAYGROUND DEVELOPMENT	\$195,000.00
BOARDWALK AND CANOE LAUNCH DEVELOPMENT	
Boardwalk Construction:	
Floating Dock System with Railings (220 feet)	\$88,000.00
Total Boardwalk Construction:	\$88,000.00
Canoe Launch Construction:	
1- 60" x 10' Dock Section	\$2,000.00
Other (installation items)	\$5,000.00
Canoe Launch Construction:	\$7,000.00
TOTAL BOARDWALK AND CANOE LAUNCH DEVELOPMENT	\$95,000.00
TOTAL PROJECT BUDGET	\$360,000.00
10% CONTINGENCY	\$36,000.00
TOTAL PROJECT BUDGET + CONTINGENCY	\$396,000.00



Half Log Bench

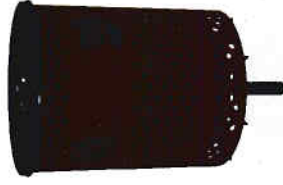
Town of Franklin, MA Playground



Mushrooms

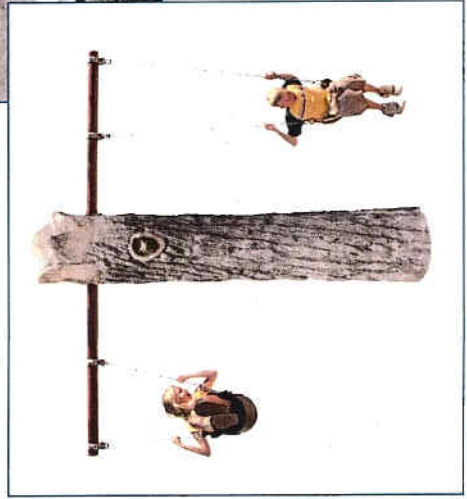


Custom "Cornellius Tree"
Playground Unit

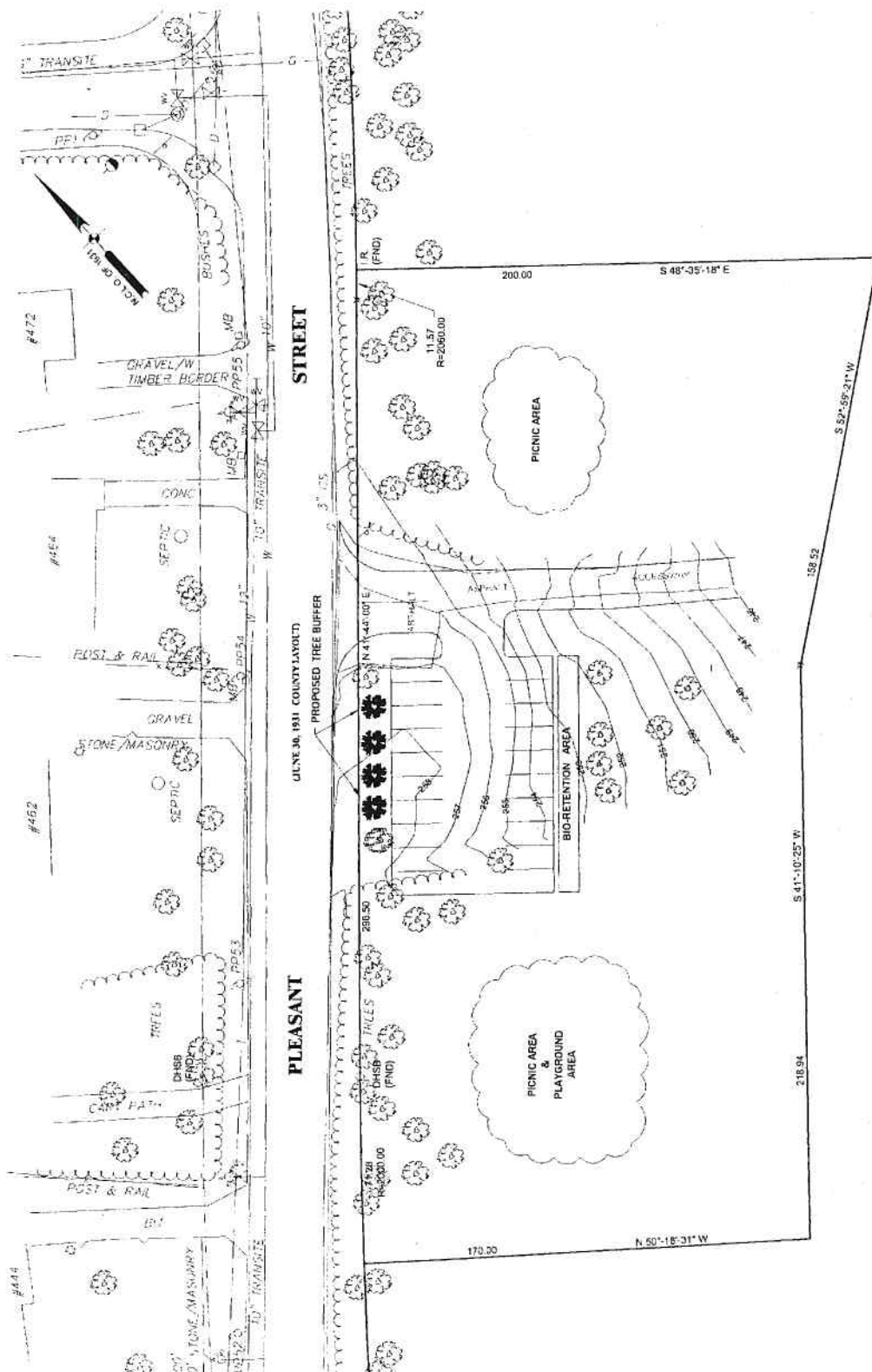


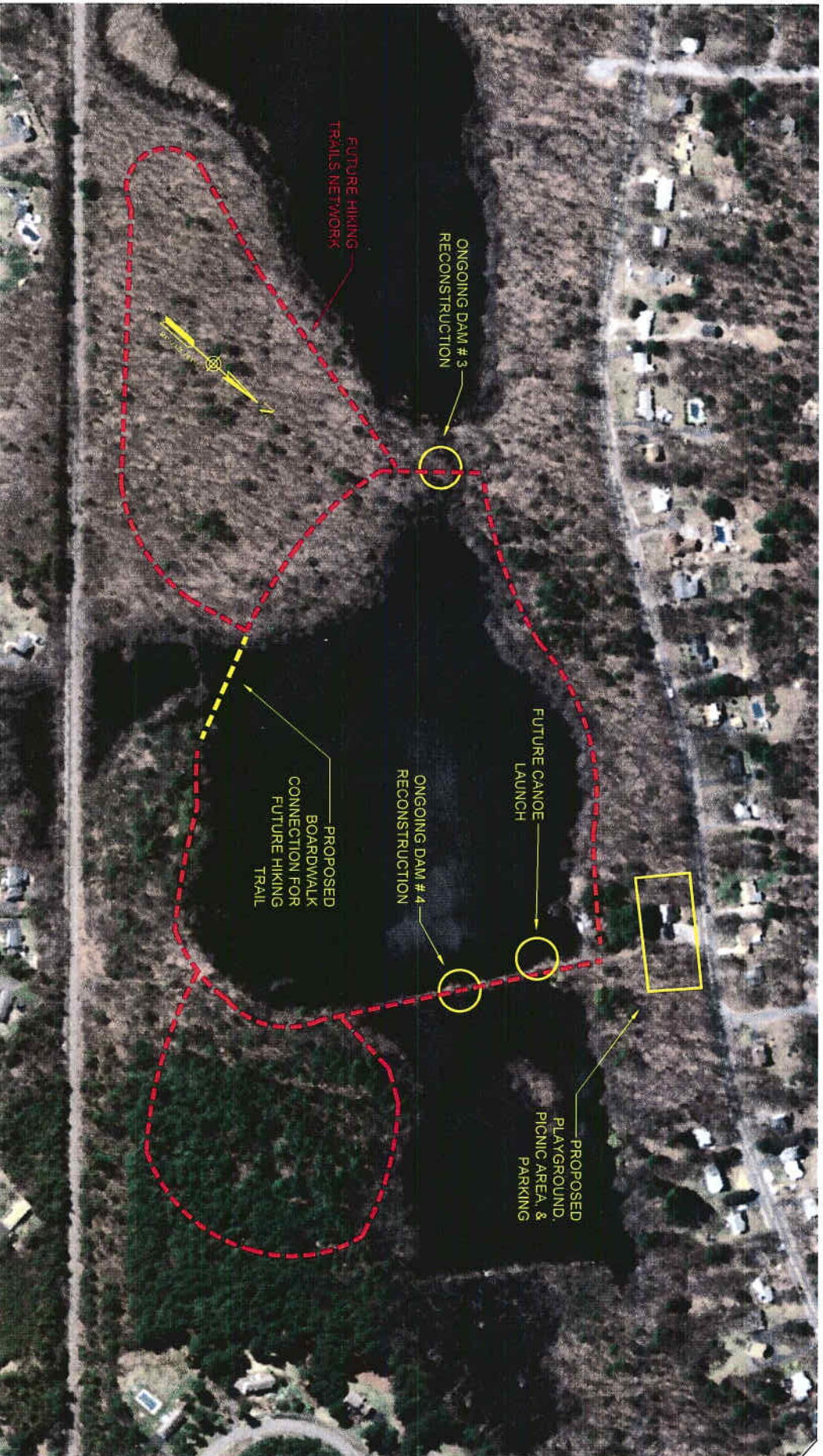
Leaf Trash
Receptacle

Tree Swing



Leaf Bench

[illegible]



DELCORTE CONSERVATION AREA
OVERALL SITE IMPROVEMENTS

DATE	3/1/13
BY	MM
SCALE	
PROJECT NO.	

F-0189-2-01
November 14, 2012



Norma R. Collins
Chief Procurement Officer
Town of Franklin, Municipal Building
Purchasing Office, Room #206
355 East Central Street
Franklin, MA 02038

Re: **DelCarte Conservation Area
Dam Rehabilitation Project
Recommendation to Award**

Dear Norma:

On Wednesday, November 7, 2012, the Town of Franklin opened eleven bids for the DelCarte Conservation Area Dam Rehabilitation Project. The bidders, their respective bid prices, and Tighe & Bond's opinion of probable construction cost are as follows:

Contractor	Base Bid	Item 2	Item 3	Item 4
MAS Building & Bridge, Inc.	\$805,140	\$1.00	\$40	\$30
Aqua Line Utility, Inc.	\$1,037,000	\$125	\$30	\$30
T Ford Company, Inc.	\$1,062,225	\$200	\$35	\$35
Ricciardi Brothers, Inc.	\$1,075,000	\$80	\$20	\$20
R. Bates & Sons, Inc.	\$1,078,000	\$145	\$40	\$36
Grove Construction	\$1,086,885	\$100	\$70	\$50
RC & D, Inc.	\$1,106,250	\$275	\$70	\$60
SumCo Eco-Contracting, LLC	\$1,136,800	\$600	\$34	\$34
MIG Corporation, Inc.	\$1,236,789	\$250	\$80	\$55
New England Infrastructure, Inc.	\$1,380,000	\$230	\$38	\$34
E.T. & L. Corp.	\$1,530,000	\$410	\$55	\$43
<i>Tighe & Bond's Opinion of Probable Construction Cost</i>	\$1,100,000	\$800	\$65	\$65

The attached bid tabulation presents a direct comparison of the three lowest bids in more detail.

As requested, we evaluated the bid information submitted by the apparent low bidder, as well as evaluated performance and financial reference information. The results of our evaluation are described below.



1911-2011

446 Main Street • Worcester, MA 01608 • Tel 508.754.2201 • Fax 508.795.1087





Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 13-15

TOWN COUNCIL PROPOSAL OF CHARTER AMENDMENT TO VOTERS: TREASURER-COLLECTOR TO BE CHANGED FROM ELECTED TO APPOINTED POSITION

WHEREAS, the Town Administrator has proposed an amendment to Franklin's Home Rule Charter, as provided in G.L. Chapter 43B, Section 10(b), to change the Treasurer-Collector from an elected to an appointed position, and

WHEREAS, the Town Council has ordered and held a public hearing to consider said proposal, after having published notice thereof, all as provided in G.L. Chapter 43B, Section 10(b),

NOW THEREFORE, BE IT RESOLVED THAT the Franklin Town Council:

1. Proposes to the voters that the Town of Franklin Home Rule Charter be amended as follows:

Amend **Article Three Elected Town Boards and Officers Section 1 General Provisions** by striking in 3.1.2: "(b) a Town Treasurer-Collector" and by re-lettering the remaining positions.

Amend **Article Four The Town Administrator** Section 2. Powers and duties by adding, in 4.2.5: in (a), before "fire chief," a Town Treasurer-Collector.

Amend **Article Eight Transitional Provisions Section 1 Effective Date** by adding: 8.1.2 An amendment to this charter to change the Treasurer-Collector from an elected to an appointed officer shall be effective when approved by the voters at the general town election, provided that the incumbent Treasurer-Collector shall serve the remainder of his current term.

2. Directs that a copy of this resolution be submitted to the Attorney-General's office and the Department of Housing and Community Development for their review, as provided in G.L. Chapter 43B, Section 10(c).
3. Directs that, subject to the Attorney General's report, the proposed charter amendment be submitted to the voters for their approval at the next general election of town officers to be held on Tuesday, November 5, 2013, as provided in

G.L. Chapter 43B, Section 11, said proposed charter amendment to appear on the ballot in the form specified in said statute.

4. Authorizes and directs the Town Administrator and Town Attorney to take any and all additional action required to submit said proposed charter amendment to the voters for their approval or otherwise to implement this resolution.

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

DATED: March 27, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Deborah L. Pellegrini
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 13-16

ACCEPTANCE OF ACCESS EASEMENT OVER PROPERTY AT 42 HAYWARD STREET

WHEREAS, Clark Cutler McDermott Company is the owner of a parcel of land located at 42 Hayward Street in Franklin described in a deed recorded at Norfolk Registry of Deeds in Book 2258, Page 489,

WHEREAS, Clark Cutler McDermott Company executed a Grant of Access Easement to the Town of Franklin for nominal consideration on March 12, 2013, a true copy of said Grant of Access Easement being attached hereto as "Exhibit 1", to provide Town with access between Hayward Street and Town of Franklin Public Works facility,

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

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

DATED: March 27, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Deborah L. Pellegrini
Town Clerk

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

Exhibit 1

GRANT OF ACCESS EASEMENT

Clark Cutler McDermott Company, a duly-organized Massachusetts business corporation with a principal place of business at 5 Fisher Street, Franklin, Norfolk County, MA, for consideration paid and in full consideration of

One Dollar (\$1.00)

GRANTS to the Town of Franklin, a duly-organized municipal corporation with administrative offices located in the Municipal Building, 355 East Central Street, Franklin, Norfolk County, MA, a permanent non-exclusive easement over, under and through that portion of Grantor's land shown as "40' Wide Access Easement Area = 9122 \pm SF" on the sketch plan captioned "Access Easement off Hayward Street in Franklin, Massachusetts" prepared by Guerriere and Halnon, Inc. and dated November 7, 2008, a copy of which is attached hereto as "Exhibit A".

Included within the foregoing grant of easement is the right to pass and re-pass with motor vehicles and equipment between Hayward Street and the Town of Franklin Public Works Facility and the right, but not the obligation, to pave or otherwise make improvements thereto PROVIDED THAT, once improved, Grantee will maintain said improvements and keep them in good repair.

Grantor shall not relocate said easement without first obtaining Grantee's written consent to said relocation.

Grantor, for itself and its successors in title, covenants that it shall not permit any use within said easement area described herein, which is inconsistent with this Grant of Easement, including, but not limited to the erection of any structures of any kind or planting shrubs and/or trees within the easement area or performing any act which will impair the function and purpose of said Grant of Easement. Grantee shall indemnify and save the Grantor harmless from and against any loss, damage or liability arising out of its exercise of said right and easement to extent legally-permissible. Grantee further agrees, upon the termination of this access easement and upon the request of the Grantor, to remove any pavement added to or improvements made to the easement area.

For Grantor's title, see deed recorded in Norfolk Registry of Deeds in Book 2258 at Page 489.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on its behalf by its duly-authorized corporate officers this 12 day of March, 2013.

Clark Cutler McDermott Company

By: [Signature]
Thomas R. McDermott, President

By: [Signature]
James McDermott, Treasurer

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

On this 12 day of March, 2013, before me, the undersigned notary public, personally appeared Thomas R. McDermott, President of Clark Cutler McDermott Company, proved to me through satisfactory evidence of identification which was MA. Lic. to be the person whose name is signed on the preceding document and acknowledged to me that he/she signed it voluntarily on behalf of the corporation for its stated purpose.

[Signature]
Notary Public

My commission expires: 11-14-19

COMMONWEALTH OF MASSACHUSETTS

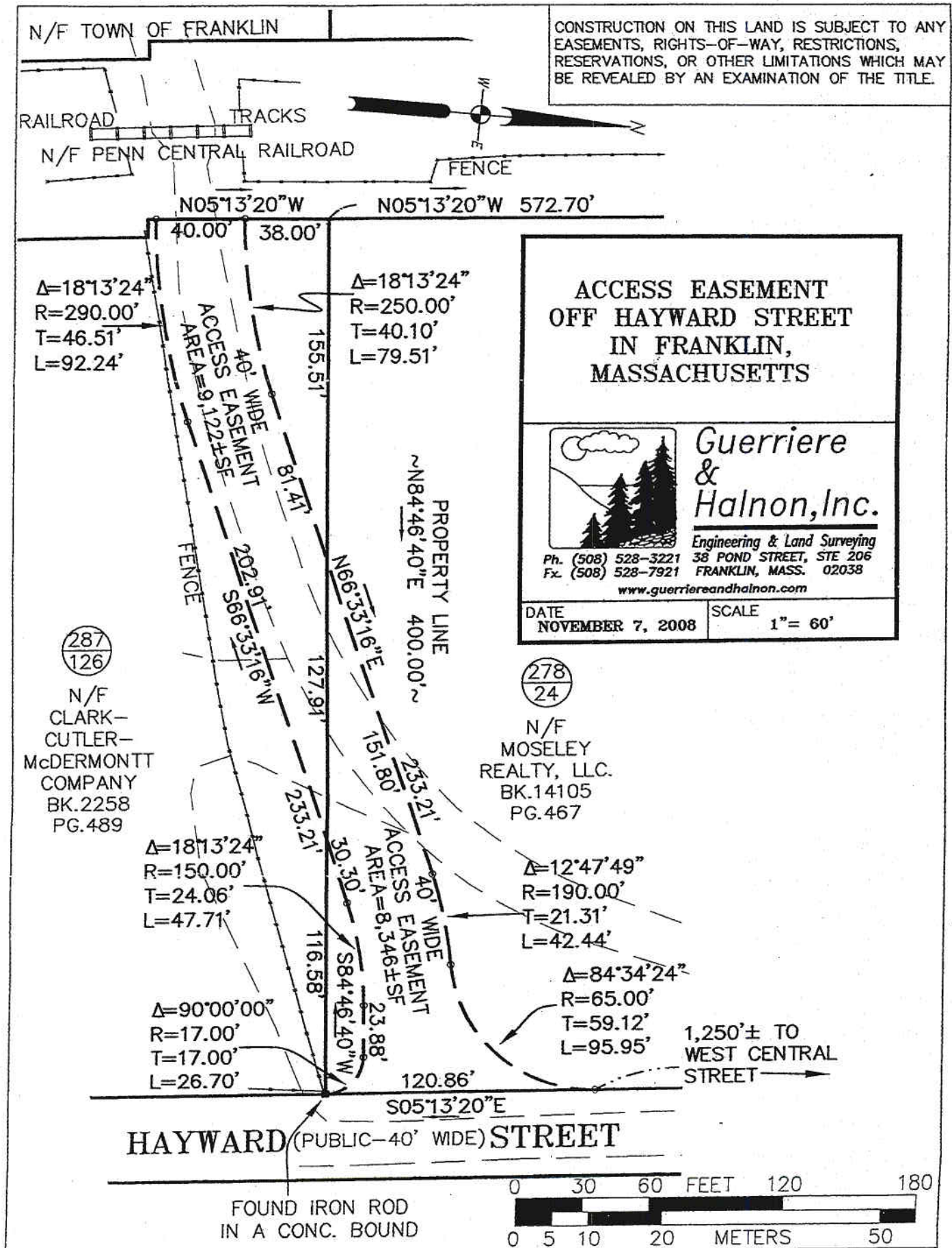
NORFOLK, ss.

On this 12 day of March, 2013, before me, the undersigned notary public, personally appeared James McDermott, Treasurer of Clark Cutler McDermott Company, proved to me through satisfactory evidence of identification which was MA. Lic. to be the person whose name is signed on the preceding document and acknowledged to me that he/she signed it voluntarily on behalf of the corporation for its stated purpose.

[Signature]
Notary Public

My commission expires: 11-14-19

EXHIBIT A





Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 13-17

ACCEPTANCE OF ACCESS EASEMENT OVER PROPERTY AT 31 HAYWARD STREET

WHEREAS, Moseley Realty, LLC is the owner of a parcel of land located at 31 Hayward Street in Franklin described in a deed recorded at Norfolk Registry of Deeds in Book 14105, Page 467,

WHEREAS, Moseley Realty LLC executed a Grant of Access Easement to the Town of Franklin for nominal consideration on November 15, 2012, a true copy of said Grant of Access Easement being attached hereto as "Exhibit 1", to provide Town with access between Hayward Street and Town of Franklin Public Works facility,

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

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

DATED: March 27, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Deborah L. Pellegrini
Town Clerk

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

Exhibit 1
GRANT OF ACCESS EASEMENT

Moseley Realty LLC, a duly-organized Delaware limited liability company with a principal place of business at 31 Hayward Street, Franklin, Norfolk County, MA, for consideration paid and in full consideration of

One Dollar (\$1.00)

GRANTS to the Town of Franklin, a duly-organized municipal corporation with administrative offices located in the Municipal Building, 355 East Central Street, Franklin, Norfolk County, MA, a permanent non-exclusive easement over, under and through that portion of Grantor's land shown as "40' Wide Access Easement Area = 8346 ± SF" on the sketch plan captioned "Access Easement off Hayward Street in Franklin, Massachusetts" prepared by Guerriere and Halnon, Inc. and dated November 7, 2008, a copy of which is attached hereto as "Exhibit A".

Included within the foregoing grant of easement is the right to pass and re-pass with motor vehicles and equipment between Hayward Street and the Town of Franklin Public Works Facility and the right, but not the obligation, to pave or otherwise make improvements thereto PROVIDED THAT, once improved Grantee will maintain said improvements and keep them in good repair.

Grantor shall not relocate said easement without first obtaining Grantee's written consent to said relocation.

Grantor, for itself and its successors in title, covenants that it shall not permit any use within said easement area described herein, which is inconsistent with this Grant of Easement, including, but not limited to the erection of any structures of any kind or planting shrubs and/or trees within the easement area or performing any act which will impair the function and purpose of said Grant of Easement.

For Grantor's title, see deed recorded in Norfolk Registry of Deeds in Book 14105 at Page 467.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on its behalf by its duly-authorized general manager this 15 day of November, 2012.

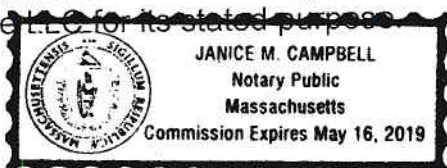
Moseley Realty LLC, by:

Thomas C. Moseley

COMMONWEALTH OF MASSACHUSETTS

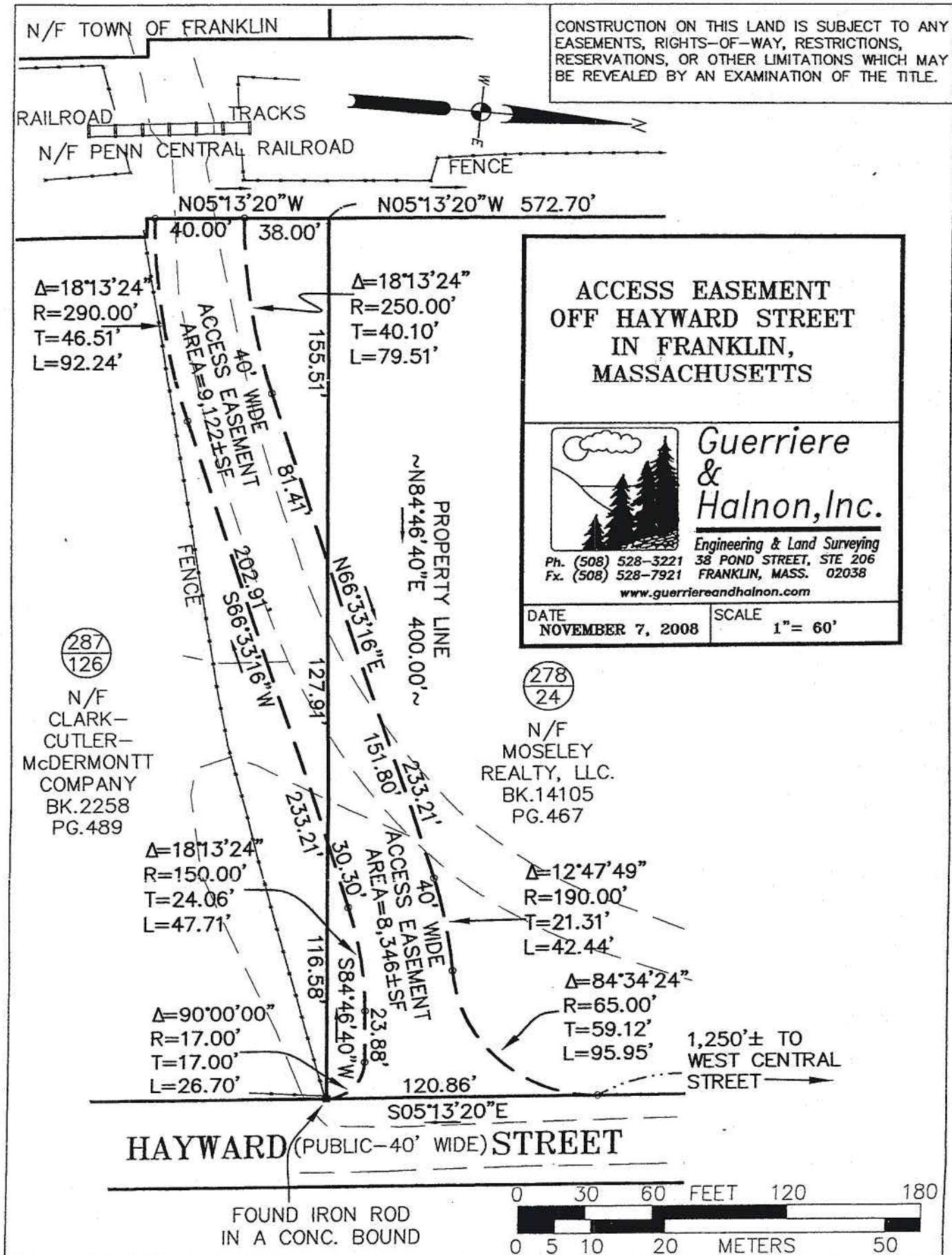
NORFOLK, ss.

On this 15th day of November, 2012, before me, the undersigned notary public, personally appeared Thomas C. Moseley of Moseley Realty LLC, proved to me through satisfactory evidence of identification which was MA Driver's License to be the person whose name is signed on the preceding document and acknowledged to me that he/she signed it voluntarily as general manager of the LLC for its stated purpose.



Janice M. Campbell
Notary Public
My commission expires: May 16, 2019

EXHIBIT A

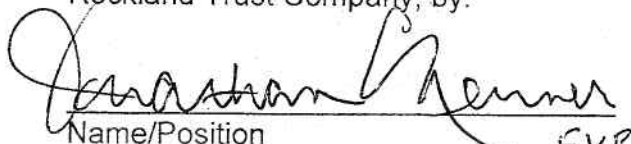


MORTGAGEE'S ASSENT

Rockland Trust Company, a duly-organized banking corporation with a principal place of business at 288 Union Street, Rockland, Plymouth County, MA holder of a mortgage from Moseley Realty LLC, on the property located at 31 Hayward Street, Franklin, Norfolk County, MA described in the foregoing grant of easement, said mortgage recorded at Norfolk County Registry of Deeds in Book 25569 at Page 527, hereby assent to and join in the foregoing grant of easement.

In witness whereof, Rockland Trust Company has caused this instrument to be executed on its behalf by its duly-authorized officer this 15 day of NOVEMBER 2012.

Rockland Trust Company, by:


Name/Position FVP


COMMONWEALTH OF MASSACHUSETTS

BRISTOL
NORFOLK, ss.

On this 15 day of November, 2012, before me, the undersigned notary public, personally appeared JONATHAN NEUNER of Rockland Trust Company, proved to me through satisfactory evidence of identification which was DRIVER'S License to be the person whose name is signed on the preceding document and acknowledged to me that he/she signed it voluntarily on behalf of the corporation for its stated purpose.



NOELIA M. BRUM
Notary Public
Commonwealth of Massachusetts
My Commission Expires November 26, 2015


Notary Public
My commission expires: November 26, 2015



TOWN OF FRANKLIN

RESOLUTION 13-18

Acceptance of Gift – Town of Franklin

WHEREAS, Thomas Moseley of Moseley Realty LLC has donated \$20,000 to be used for the reconstruction and relocation of the entrance to the DPW from Hayward Street.

NOW THEREFORE, BE IT RESOLVED THAT:

The Town Council of the Town of Franklin gratefully accepts this donation from Moseley Realty LLC and thanks them for their generosity.

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

DATED: , 2013

VOTED: _____

UNANIMOUSLY: _____

A TRUE RECORD ATTEST:

YES: ____ **NO:** ____

ABSTAIN: ____ **ABSENT:** ____

Deborah L. Pellegrini
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council



TOWN OF FRANKLIN

RESOLUTION 13 - 19

Acceptance of Gift – Franklin Fire Department

- WHEREAS,** Alden D. Stewart was involved for decades with the Fire Department serving as a Call Fire Fighter and a mechanic; and
- WHEREAS,** Alden D. Stewart served for many years as a Town mechanic; and
- WHEREAS,** The Stewart family has a substantial history of community involvement; and
- WHEREAS,** Alden D. Stewart suddenly and tragically died on July 6, 2012; and
- WHEREAS,** The Stewart family continues their service to the Town with a \$20,000 donation in memory of Alden D. Stewart to be used to purchase equipment for the new fire engine.

NOW THEREFORE, BE IT RESOLVED THAT:

The Town Council of the Town of Franklin on behalf of the Franklin Fire Department gratefully accepts this generous donation in memory of Alden D. Stewart and thanks the Stewart Family for their generosity and community service.

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

DATED: , 2013

VOTED: _____

UNANIMOUSLY: _____

A TRUE RECORD ATTEST:

YES: ____ **NO:** ____

ABSTAIN: ____ **ABSENT:** ____

Deborah L. Pellegrini
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council



TOWN OF FRANKLIN

RESOLUTION 13 - 20

Acceptance of Gift - Library

WHEREAS, The Friends of the Franklin Library have generously made a donation of \$6,253.12 to the Library.

NOW THEREFORE, BE IT RESOLVED THAT:

The Town Council of the Town of Franklin on behalf of Franklin Public Library gratefully accepts this donation from the Friends of the Franklin Library and thanks them for their dedication, hard work, and continuing support.

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

DATED: , 2013

VOTED: _____

UNANIMOUSLY: _____

A TRUE RECORD ATTEST:

YES: ____ **NO:** ____

ABSTAIN: ____ **ABSENT:** ____

Deborah L. Pellegri
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

TO: TOWN COUNCIL
FROM: GLENN JONES, CHAIRMAN, ECONOMIC DEVELOPMENT COMMITTEE
RE: ECONOMIC DEVELOPMENT RELATED ZONING BYLAW AMENDMENTS
CC: JEFF NUTTING, TOWN ADMINISTRATOR, ECONOMIC DEVELOPMENT COMMITTEE,
PLANNING BOARD, DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
DATE: MARCH 20, 2013

The Economic Development Committee is pleased to provide you with a summary of topics the Committee has been working on with the assistance of the Department of Planning and Community Development and other staff members.

At their March 13, 2013 meeting, the Economic Development Committee voted to support three changes to the Town's Zoning Bylaw, and I believe these changes are in the best interest of the Town. The proposed changes allow more flexible use of parcels during the development review process, while maintaining sufficient regulations to assure protection of the Town's water supply.

The Economic Development Committee voted to recommend changes to Zoning Bylaws §185-36 Impervious Surfaces and §185-40 Water Resources District Bylaw.

Attached are the following zoning bylaw amendments for review and consideration:

- 13-701: §185-3. Definitions
- 13-702: §185-36. Impervious Surfaces
- 13-703: §185-40. Water Resource District
- 13-704: §185. Attachment 9 Schedule of Lot, Area, Frontage, Yard and Height Requirements

The Economic Development Committee discussed the rezoning of six parcels along Old West Central Street. Committee members unanimously agreed in order to continue to encourage economic development the parcels should be rezoned from Single Family III to Business.

The six parcels along Old West Central Street are:

- 620 West Central Street
- Vacant Lot (Town owned)
- 648 Old West Central Street
- 652 Old West Central Street
- 656 Old West Central Street
- 664 Old West Central Street

Attached are the following zoning bylaw amendments for review and consideration:

- 13-705: §185-5. Zoning Map - Single Family III to Business Zoning District
- Proposed Zoning Map Change

Members also discussed and supported the creation of a Medical Marijuana Overlay District. A Zoning Bylaw amendment has been drafted by the DPCD in response to approval of Question 3 on the November 6, 2012 State Referendum by the voters of the Town of Franklin. The proposed bylaw amendment will be presented to the Council at their April 3, 2013 meeting.

Sponsor: *Department of Planning and
Community Development*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 13-701**

Changes to §185-3. Definitions

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, SECTION 3.**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by the following additions, added into §185-3 Definition in alphabetical order:

UPLAND – land that does not fall within a wetlands resource area as defined in M.G.L. Chapter 131, Section 40, 310 CMR 10, or Franklin Town Code 181.

This by-law Amendment shall become effective in accordance with the provisions of the Franklin Home Rule Charter and M.G.L. c.40A, §5.

DATED: _____, 2013

A True Record Attest:

**Deborah L. Pellegrini
Town Clerk**

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

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

SPONSOR:
*Department of Planning and
Community Development*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 13-702
IMPERVIOUS SURFACES**

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, SECTION 36.**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by ~~deleting~~ and adding the following text at §185-36 Impervious Surfaces:

The maximum coverage by structures plus paving shall be as regulated in the Schedule of Lot, Area, Frontage, Yard and Height Requirements and, within the Water Resource District, as regulated in § 185-40. Greater coverage within the Water Resource District may be allowed ~~only by the Board of Appeals pursuant to §185-40D.(1)(1). §185-40C(2) and F.~~ Greater coverage than allowed under the Schedule of Lot, Area, Frontage, Yard and Height Requirements within other districts may be allowed on special permit from the Planning Board upon its receipt of calculations prepared by a registered professional engineer indicating that stormwater runoff from the site will not be increased following the development. ~~by more than 10% in a twenty-five year storm and that the soil loss rate from the site will not be increased above the existing rate by more than 10% following development and upon the Planning Board's determination that erosion control methods to be employed during construction will be adequate to prevent excessive soil loss.~~

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: _____, 2013

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Deborah L. Pellegrini
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk
Town Council

SPONSOR:
*Department of Planning and
Community Development*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 13-703
WATER RESOURCE DISTRICT**

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, SECTION 40.**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by ~~deleting~~ and adding the following text at §185-40.D.(1)Water Resource District:

~~(1) Rendering impervious more than 15% or 2,500 square feet of the lot area, whichever is greater, of a lot located within the Water Resource District. However, rendering impervious more than 15% but no more than 60% of the lot area of a lot located within the Water Resource District is permitted only in industrial and commercial zones and only upon the issuance of a special permit. An applicant for a special permit must provide artificial recharge that does not degrade groundwater quality. The proposed water recharge efforts shall be permitted only upon the approval of a hydrogeologist retained by the Town of Franklin at the expense of the applicant, under the provisions of MGL c. 44 § 53G.~~

(1). Impervious Coverage

(i) Residential Zones:

Residential use: Rendering impervious coverage more than 15% or 2,500 square feet whichever is greater, of the upland area of a lot located within the Water Resource District, is only permitted for residential uses within a residential zone by a special permit from the Zoning Board of Appeals (ZBA).

Non-residential uses: Rendering impervious coverage more than 15% or 2,500 square feet whichever is greater, of the upland area of a lot located within the Water Resource District is only permitted for non-residential uses within a residential zone by a special permit from the Planning Board.

(ii) Non-residential Zones:

Non-residential uses: Rendering impervious coverage up to 80% of the upland area of a lot located within the Water Resource District is permitted only in non-residential zones provided an application for Site Plan approval has been provided.

An applicant for site plan approval must provide artificial recharge that does not degrade groundwater quality. The proposed water recharge efforts shall be permitted only upon the approval of a hydrogeologist retained by the Town of Franklin at the expense of the applicant, under the provisions of MGL c. 44 § 53G.

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: _____, 2013

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Deborah L. Pellegri
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk
Town Council

Sponsor: *Department of Planning and
Community Development*

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 13-704

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

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
SCHEDULE OF LOT, AREA, FRONTAGE YARD AND HEIGHT
REQUIREMENTS**

Note: Within this section, changes are shown in **Bold** type and appear as additions (**xyz**) and as deletions (~~xyz~~). This is to retain the readability of the document.

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by the following additions and deletions to §185 Attachment 9. Maximum Percent of Lot Covered. Structures Plus Paving.

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

[Amended 5-20-1998 by Bylaw Amendment 98-357; 5-6-1998 by Bylaw Amendment 98-361; 5-3-2000 by Bylaw Amendment 00-430; 7-11-2001 by Bylaw Amendment 01-468; 12-5-2001 by Bylaw Amendment 01-486; 10-2-2002 by Bylaw Amendment 02-507; 6-11-2003 by Bylaw Amendment 03-511]

District	Minimum Lot Dimensions				Minimum Yard Dimensions			Maximum Height of Building		Maximum Impervious Coverage of Upland	
	Area (square feet)	Continuous Frontage (feet)	Depth (feet)	Lot Width (minimum circle diameter)	Front (feet)	Side (feet)	Rear (feet)	Stories	Feet	Structures	Structures Plus Paving ³
Rural Residential I	40,000	200	200	180 ⁴	40	40	40	3	35	20	25
Residential VI	40,000	200	200	180 ⁴	40	40	40	3	35	20	25
Rural Residential II	30,000	150	200	135 ⁴	40	35	35	3	35	20	25
Single Family Residential III	20,000	125	160	112.5	40	25	30	3	35	25	35
Single Family Residential IV	15,000	100	100	90	30	20	20	3	35	30	35
General Residential V	10,000	100	100	90	20	15	20	3	40	30	35
Neighborhood Commercial	18,000	100	100	90	20	30	40	3	35	30	35
Downtown Commercial	5,000	50	50	45	5 ¹⁰	0 ²	15	3 ⁹	40 ⁹	80	90
Commercial I ⁷	5,000	50	50	45	20 ¹	0 ²	15	3 ⁶	40 ⁶	90	80 100
Commercial II	40,000	175	200	157.5	40	30	30	3	40	50	80 60
Business	20,000	125	160	112.5	40	20	30	3	40	50	80 60
Industrial	40,000	175	200	157.5	40	30 ⁵	30 ⁵	3 ⁶	-	50	80 60
Limited Industrial	40,000	175	200	157.5	40	30 ⁸	30 ⁸	3 ⁶	40 ⁶	50	80 60
Office	40,000	100	100	90	20	30 ³	30 ³	3 ⁶	40 ⁶	50	80 60

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

NOTES:

¹ But no new structure shall be required to provide a deeper yard than that existing on that parcel upon adoption of this amendment.

² Increase to 20 feet when abutting a residential district.

³ **See Definition of Upland §185-3, §185-36. Impervious Surfaces and §185-40. Water Resource District.**

⁴ Within open space developments (see § 185-43), the lot width must be met for individual lots shall be no less than 1/2 those required within the underlying district.

⁵ Increase by the common building height of the structure, when abutting a residential use.

⁶ Up to 5 stories and/or 60 feet, whichever is greater, may be permitted by a special permit from the Planning Board.

⁷ Permitted residential uses must observe requirements of General Residential V District for residential use building only. Mixed use buildings are exempt from this requirement.

⁸ Increase by 1.5 the common building height of a structure, when abutting a residential district or use.

⁹ Up to 4 stories and/or 50 feet, whichever is less, may be permitted by a Special Permit from the Planning Board provided the structure is set back at least 15 feet from frontage.

¹⁰ Minimum 5' setback required on first floor, street level; upper floors can overhang required first floor set back.

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: _____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Deborah L. Pellegri
Town Clerk

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk

SPONSOR: *Department of Planning and
Community Development*

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 13-705

Single Family III to Business Zoning District

Changes to § 185-5 Zoning Map

**A ZONING BY-LAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN
AT CHAPTER 185 SECTION 5, ZONING MAP, RE: CHANGE FROM SINGLE
FAMILY III TO BUSINESS.**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by making the following amendments to §185-5, of the Code of the Town of Franklin, Zoning Map:

That the Zoning Map of the Town of Franklin be amended by changing from Single Family III to Business an area containing 2.21± acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

270-015-000	271-030-000	271-031-000
271-032-000	271-033-000	271-034-000

The area to be rezoned is shown on the attached zoning map.

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: _____, 2013

A True Record Attest:

Deborah L. Pellegrini
Town Clerk

VOTED:
UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

Proposed Zoning Map Change

Single-Family III to Business

- Parcel Line
- Office
- Business
- Rural Residential II
- Commercial II
- Single-Family III

