



FRANKLIN TOWN COUNCIL

June 5, 2013

7:00 PM

A. APPROVAL OF MINUTES – April 3, 2013 Regular and Executive Session
and April 24, 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 - 7:10 PM

IMPERVIOUS SURFACES:

- Zoning Bylaw Amendment 13-702: Changes to Chapter 185,
Section 36. Impervious Surfaces – **Continued from May 15th**
- Zoning Bylaw Amendment 13-703: Changes to Chapter 185,
Section 40. Water Resource District – **Continued from May 15**
- Zoning Bylaw Amendment 13-716: Changes to Chapter 185,
Section 3. Definitions
- Zoning Bylaw Amendment 13-717: Amendment to Chapter 185,
Attachment 9. Schedule of Lot, Area, Frontage, Yard and
Height Requirements

POND STREET CHANGE OF ZONING:

- Zoning Bylaw Amendment 13-714: Changes to Chapter 185-3.
Definitions
- Zoning Bylaw Amendment 13-715: Changes to Chapter 185-7.
Compliance Required.

G. LICENSE TRANSACTIONS – New All Alcoholic Beverages Hotel License –
Residence Inn by Marriott-Franklin

H. PRESENTATIONS/DISCUSSIONS - Form of Non-Binding Ballot Question,
re: Adoption of Mayoral Form of
Government

I. SUBCOMMITTEE REPORTS

J. LEGISLATION FOR ACTION

1. Resolution 13-38: Acceptance of Grant of Right of Access Over Land at 828
West Central Street

2. Resolution 13-39: Appropriation: Appraiser for Downtown HPP Project and Compensation for Permanent and Temporary Easements
3. Resolution 13-40: Appropriation: 37 Beaver Street
4. Resolution 13-41: Appropriation: Fire Department Salaries
5. Resolution 13-42: Appropriation: Capital FY 2013
6. Resolution 13-43: Appropriation: Other Post-Employment Benefits Stabilization Fund
7. Resolution 13-44: Appropriation: Senior Center Capital Improvement
8. Resolution 13-45: Appropriation: Fire Truck Stabilization Fund
9. Resolution 13-46: Appropriation: Athletic Fields Capital Improvement Stabilization Fund
10. Resolution 13-47: Appropriation: Operating Budget Stabilization Fund
11. Resolution 13-48: Appropriation: Other Post-Employment Benefits Stabilization Fund
12. Resolution 13-49: Appropriation: Other Post-Employment Benefits Stabilization Fund

PERSONNEL BYLAW:

13. Bylaw Amendment 13-713: Amendment to Chapter 25, Appendix A - Classification Plan and Appendix B - Compensation Plan – **2nd Reading**

IMPERVIOUS SURFACES:

14. Zoning Bylaw Amendment 13-702: Changes to Chapter 185, Section 36. Impervious Surfaces – **1st Reading**
15. Zoning Bylaw Amendment 13-703: Changes to Chapter 185, Section 40. Water Resource District – **1st Reading**
16. Zoning Bylaw Amendment 13-716: Changes to Chapter 185, Section 3. Definitions – **1st Reading**
17. Zoning Bylaw Amendment 13-717: Changes to Chapter 185, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements – **1st Reading**

POND STREET CHANGE OF ZONING:

18. Zoning Bylaw Amendment 13-714: Changes to Chapter 185-3. Definitions – **1st Reading**
19. Zoning Bylaw Amendment 13-715: Changes to Chapter 185-7. Compliance Required – **1st Reading**

ADULT ENTERTAINMENT:

20. Zoning Bylaw Amendment 13-706: Changes to Chapter 185-5. Zoning Map, Adult Use Overlay District – **2nd Reading**
21. Zoning Bylaw Amendment 13-707: Changes to Chapter 185-47. Adult Entertainment Establishment Districts – **2nd Reading**

MEDICAL MARIJUANA:

22. Zoning Bylaw Amendment 13-708: Changes to Chapter 185-3. Definitions – **2nd Reading**

23. Zoning Bylaw Amendment 13-709: Changes to Chapter 185-4. Districts Enumerated – **2nd Reading**
24. Zoning Bylaw Amendment 13-710: Changes to Chapter 185-5. Zoning Map, Medical Marijuana Use Overlay District – **2nd Reading**
25. Zoning Amendment 13-711: Changes to Chapter 185-7. Compliance Required – **2nd Reading**
26. Zoning Bylaw Amendment 13-712: Changes to Chapter 185-49. Medical Marijuana Use Overlay District – **2nd Reading**

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
April 3, 2013**

A meeting of the Town Council was held on Wednesday, April 6, 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: Stephan Semerjian; Chief of Police.

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: *March 6, 2013 Regular Session* **MOTION** by Councilor Powderly to move approval of minutes **SECONDED** by Councilor Kelly. **CORRECTION:** Resolution 13-09 was read by Councilor Pfeffer, not Councilor Powderly as reported. **Vote to Approve as Amended: Yes-8, No-0, Absent-1.**

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

PROCLAMATIONS/RECOGNITIONS: NONE.

CITIZEN COMMENTS: ► Steve Derdarian, Paul Picillo, Mike Ippoliti and Diane Martin all of Regent Circle each spoke about the poor condition of Regent Circle and called for the road to be repaved as soon as possible. Chairman Vallee stated the Council could not comment during this portion of the Meeting, but would comment on this issue during the “New Business” portion of the Meeting. ► Wendy Jenkins and Lauren Chousa both of Conlyn Avenue each commented on the dangerousness of the BJ’s intersection. Jennifer, a local resident spoke about a recent automobile accident she and her 8-month-old son were involved in at the BJ’s intersection. All three citizens called for the installation of a traffic light at the intersection.

APPOINTMENTS: NONE. **HEARINGS:** NONE.
LICENSE TRANSACTIONS: NONE.

PRESENTATIONS/DISCUSSIONS: NONE.

SUBCOMMITTEE REPORTS: NONE.

LEGISLATION FOR ACTION:

Resolution 13-21: Acceptance of Real Estate Payment Agreement Between Town and Franklin Community Cable Access, Inc., Re: Property at 23 Hutchinson Street: Councilor Pfeffer read the resolution to accept the “Real Estate Tax Payment Agreement, re: Property at 23 Hutchinson Street”, with Franklin Community Cable Access, Inc. and authorized the Town Administrator to execute the agreement on Town’s behalf. **MOTION** by Councilor Powderly to move Resolution 13-21 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained he was able to negotiate payment in lieu of taxes from the tax-exempt Franklin Community Cable Access, Inc. Mr. Nutting said the payment would help offset the taxes that could potentially have been collected from the site. Councilors Powderly and Kelly spoke in support of the arrangement. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Resolution 13-22: Long Range Financial Planning Process: Councilor Pfeffer read the resolution to accept the recommendations of the Joint Budget Subcommittee and directs the Town Administrator to follow the recommendations to issue the first annual report. **MOTION** by Councilor Powderly to move Resolution 13-22 **SECONDED** by Councilor Mercer. **DISCUSSION:** Doug Hardesty who was chair of the disbanded Long Range Financial Planning Committee explained the necessity for the Town to have a formal long range financial planning process whereby the Town would be mandated to have a 5 year outlook of upcoming challenges and plans or steps to meet these challenges, which is necessary to safeguard the Town’s financial future. ► Councilor Powderly spoke in support of the resolution and thanked Mr. Hardesty, Committee volunteers, School Committee, and former Councilors who sat on the Long Range Financial Planning Committee. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Resolution 13-23: Appropriation – Town Clerk – \$12,400 (Poll Workers \$9,000 & Expenses \$3,400): (Maxine – is this the correct amount? The amount was “amended”) Councilor Pfeffer read the resolution to transfer \$12,400 from Free Cash to the Town Clerk’s Poll Workers and Expenses Budgets to provide funds to pay costs associated with two special elections. **MOTION** by Councilor Pfeffer to move Resolution 13-23 **SECONDED** by Councilor Jones. **CORRECTION:** Mr. Nutting said the resolution needed to be amended to include the cost of a file cabinet necessary to store voting records. **VOTE to Approve: Yes-8, No-0,**

Absent-1. MOTION by Councilor Jones to move Resolution 13-23 as Amended **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-706: Chapter 185 Zoning Map – Changes to Adult Use Overlay District – Referral to Planning Board: Councilor Pfeffer read the zoning bylaw amendment to modify the overlay zoning district known as the Adult Use Overlay District. **MOTION** by Councilor Jones to move Zoning Bylaw Amendment 13-706 referral to the Planning Board **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained this bylaw and the next bylaw are technical corrections, which delineates the Adult Use Overlay District. Councilor Powderly asked for clarification of the indicated area on the map allowing adult entertainment when there is a childcare facility also in the same area. Mr. Nutting and Mr. Cerel said the map identifies the areas adult businesses can operate. During the application process of an adult entertainment business, the area would be evaluated and if there were a childcare facility within the prescribed distance, an adult entertainment business would be barred. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-707: Chapter 185, Section 47 – Adult Entertainment Establishment Districts – Referral to Planning Board: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-707 referral to Planning Board **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-708: Chapter 185, Section 3 – Definitions – Referral to Planning Board: Councilor Pfeffer read the zoning bylaw amendment to add definitions for Medical Marijuana Testing Facility and Medical Marijuana Treatment Center to the Code of the Town of Franklin. **MOTION** by Councilor Jones to move Zoning Bylaw Amendment 13-708 to referral to the Planning Board **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained this bylaw amendment and the next two bylaw amendments relate to the new medical marijuana laws. The amendments allow medical marijuana facilities to locate in the Adult Use Overlay District. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-709: Chapter 185, Section 4 – Districts Enumerated, Re: Medical Marijuana Use Overlay District – Referral to Planning Board: Councilor Pfeffer read the Zoning Bylaw Amendment to delete and add text to the Code of the Town of Franklin. **MOTION** by Councilor Jones to move

Zoning Bylaw Amendment 13-709 referral to Planning Board **SECONDED** by Councilor Powderly. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-710: Chapter 185, Section 5 - Zoning Map, Re: Medical Marijuana Use Overlay District – Referral to Planning Board:

Councilor Pfeffer read the zoning bylaw amendment to create an overlay zoning district to be known as the Medical Marijuana Use Overlay District. **MOTION** by Councilor Jones to move Zoning Bylaw Amendment 13-710 to Planning Board **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-711: Chapter 185, Section 7 – Compliance - Code of The Town of Franklin – Referral to Planning Board: Councilor Pfeffer read the zoning bylaw amendment to allow the Medical Marijuana Use Overlay District. **MOTION** by Councilor Jones to move Zoning Bylaw Amendment 13-711 referral to Planning Board **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained to those attending the meeting the reason there are so many bylaw changes related to Medical Marijuana. The Planning Board will review the bylaws, there will be a public hearing and will then be read twice by the Council before any changes can be made to the bylaw, so there will be plenty of opportunity for discussion on the proposed changes. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-712: Chapter 185, Section 49 – Medical Marijuana Use Overlay District – Referral to Planning Board: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-712 referral to Planning Board **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting discussed possible dates to hold the Annual Budget Hearing.

OLD BUSINESS: NONE.

ARRIVAL: Councilor Roy arrived at 8:00PM.

NEW BUSINESS: ► Mr. Nutting described how the Town’s roads are rated and where Regent Circle falls on a list of the Top 20 Worst Roads Report. Mr. Nutting went on to discuss how the Town determines when a road will be repaired and the difficulty the Town faces both with lack of funds and manpower to make the

necessary repairs to many of the Town's roadways. Mr. Nutting said temporary repairs could be made to Regent Circle, but total reconstruction of the roadway would be done when funds and manpower are available. ► Mr. Derdarian stated the previous temporary repair work on Regent Circle was of low quality and requested a professional firm complete the temporary repairs and the Town complete the road reconstruction as soon as possible as the road is a disgrace, is dangerous and devalues the homes located in the area. ► Councilor Pfeffer said the Town is aware of the roads that are in need of repairs, but does not have the funds to make the repairs. ► Chairman Vallee said the Council would monitor the roadway situation, and Mr. Nutting said he would follow up on Regent Circle. ► Mr. Nutting addressed another concern raised during the Citizen Comment portion of the Meeting. Mr. Nutting said the State is responsible for the portion of Route 140 where the BJ's intersection is located. Mr. Nutting said previous traffic studies indicated there was not enough traffic to warrant a traffic light at the intersection, but said maybe BJ's would be willing to install a speed bump to slow down traffic coming from BJ's, and the Town could look into placing a 4-way stop sign at the intersection. ► Area residents stated they are very concerned more accidents will occur once the proposed gas station and medical building are constructed in the area. ► Mr. Nutting agreed to get back to the area residents regarding any changes to the intersection. ► Councilor Roy stated as a State Representative, he would open an investigation and the area resident's concerns will be addressed. ► Councilor Bissanti announced families of veterans who would like flags put up for a veteran's funeral can contact Bob Fahey; Veteran's Agent at the Senior Center for information.

COUNCILOR COMMENTS: ► Councilor Mercer provided an update on the New High School Project. Councilor Mercer said there would be another 3-4 weeks of steel erection, and brickwork will begin in the next 30 days. Councilor Mercer also read a letter from a Franklin resident who received emergency care from Franklin paramedics and firefighters during a snowstorm. The letter detailed the heroic effort the paramedics and firefighters provided that saved the resident's life. ► Councilor Dellorco assured the residents of Regent Circle and the area residents of the BJ's intersection that he would follow through with their concerns. ► Councilor Powderly suggested the Capital Budget Subcommittee look at increasing funds for roads. ► Councilor Jones thanked the residents for coming out to discuss their concerns, and let them know the Council is listening. Councilor Jones encouraged other residents to let the Council know of their concerns as well. Councilor Jones announced the Franklin Downtown Partnership has upcoming

events planned and to visit the group's website for information. ► Councilor Bissanti stated it was frustrating to be unable to easily correct road conditions. ► Councilor Roy thanked Councilor Mercer for sharing the letter from the resident who thanked the Fire Department. ► Chairman Vallee asked Mr. Nutting about road repair funding. Mr. Nutting said road funding is difficult because the Town cannot gauge how much funding will be available from the State from one year to the next. In addition, the rules governing borrowing funds for roads can be prohibitive.

EXECUTIVE SESSION: Chairman Vallee said the Town Council would go into Executive Session to discuss strategy for collective bargaining and 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 strategy for collective bargaining and real property and not to resume Open Session **SECONDED** by Councilor Mercer. **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 8:25PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
April 24, 2013**

A meeting of the Town Council was held on Wednesday, April 24, 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, Robert Vallee. Councilors absent; Jeff Roy. Administrative personnel in attendance: Jeffrey Nutting; Town Administrator, Mark Cerel; Town Attorney and Maxine Kinhart; Assistant to the Town Administrator. Other officials present: Michael D'Angelo; Facilities Director, Brutus Cantoreggi; DPW Director.

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: *February 13, 2013 and March 27, 2013 Regular Session.* **MOTION** by Councilor Powderly to move approval of minutes **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-8, No-0, Absent-1.**

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

PROCLAMATIONS/RECOGNITIONS: NONE.

CITIZEN COMMENTS: Regent Circle residents Steve Derdarian and Earl Martin appealed to Council to repave Regent Circle as soon as possible. Mr. Derdarian stated he and another Regent Circle resident surveyed the other roads listed on the 'worst 24 roads needing repair' in Franklin and determined Regent Circle should be moved up to Number 7 on the list. Mr. Derdarian suggested the Town include in the annual budget funds for road repairs so as to prevent roads from deteriorating to the current condition of Regent Circle. Mr. Nutting agreed to discuss this issue during the 'New Business' portion of the evening's meeting.

APPOINTMENTS: NONE.

HEARINGS: **7:10PM**

1. *Zoning Bylaw Amendment 13-701: Changes to Chapter 185, Section 3 – Definitions*
2. *Zoning Bylaw Amendment 13-702: Changes to Chapter 185, Section 36 – Impervious Surfaces*
3. *Zoning Bylaw Amendment 13-703: Changes to Chapter 185, Section 40 – Water Resource District*
4. *Zoning Bylaw Amendment 13-704: Changes to Chapter 185, Attachment 9 – Schedule of Lot, Area, Frontage, Yard and Height Requirements*
5. *Zoning Bylaw Amendment 13-705: Changes to Chapter 185, Section 5 – Zoning Map*

MOTION by Councilor Powderly to open the public hearing **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Powderly to continue Zoning Bylaw Amendment 13-701, Zoning Bylaw Amendment 13-702, Zoning Bylaw Amendment 13-703, Zoning Bylaw Amendment 13-704 until May 15, 2013 **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.** **DISCUSSION:** Mr. Nutting explained the Planning Board held a public hearing but did not close the public hearing. So postponing the Council Hearing until May 15, 2013 would give the Planning Board an opportunity to hold another meeting in order to make a recommendation to the Council.

► Councilor Pfeffer read Zoning Bylaw Amendment 13-705, which would change and area of approximately 2.21 acres of land from Single Family III to Business. **DISCUSSION:** Mr. Nutting said the Planning Board held a public meeting on Monday and said the Planning Board supported the proposed

change. Councilor Jones said the Economic Development Committee unanimously supported the zoning change. **MOTION** by Councilor Mercer to close the Hearing **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-705 to a 1st Reading **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

LICENSE TRANSACTIONS: NONE.

PRESENTATIONS/DISCUSSIONS:

Facilities Director – Mike D’Angelo - Old Municipal Building: Mike D’Angelo and Mr. Nutting provided a brief history of the Old Municipal Building which currently houses the Recreation Department. At issue is what should be done with the building now that it has minimal occupancy and has major deficiencies. Mr. D’Angelo stated the building’s entrance ramp system and stairs do not properly line up, the brick work needs to be repointed, the elevator, stairways, door handles and drinking fountains are not to code, the windows are not energy efficient and are difficult to open and finally the ventilation system does not provide enough fresh air to the building. Mr. D’Angelo said the estimated cost to rehabilitate the building is \$2.25 million. Mr. Nutting offered a few options for the building and property which included leasing the building, selling the building and demolishing the building. Several Councilors questioned why the Facilities Director had not notified the Council or the Capital Committee of the deteriorating condition of the building. Mr. Nutting, Mr. D’Angelo and the Councilors discussed why the decision was made to discontinue making repairs to the building. Mr. D’Angelo’s recommendation was to demolish the building. Mr. Nutting said the immediate plan was to find an alternate location for the Recreation Department. Council members asked about other hidden building dangers such as mold and asbestos. No decision was reached regarding the building’s future, but several Councilors were considering demolishing the building. Councilors Pfeffer and Mercer requested the Facilities Director provide an updated list of needed repairs of all Town owned property.

Facilities Director – Mike D’Angelo – Jefferson School: Mr. D’Angelo said the Town has a signed contract with Russo Barr Associates, Inc. Russo Barr Associates Inc. has completed a roofing and ventilation system plan, proposed bids are due back by May 9, 2013 and the project will be brought before the Council on May 15, 2013. Several Councilors inquired about possible mold in the school and if all of the roof leaks have been identified. Councilors Kelly and Mercer requested for the second time the Facilities Director provide the Council with all work orders for at least the last 3 months.

DPW Director – Brutus Cantoreggi: Mr. Cantoreggi provided an overview of projects the DPW is currently working on or will be working on through 2015. Projects included water system improvements such as replacing waterlines and improving storm water drainage on Lincoln and Daniels Streets, as well as streets located in smaller subdivisions. The DPW will clean water tank interiors and install agitators in an effort to reduce the amount of bacteria in the water tanks. The department is currently involved in the reconstruction of several streets in the downtown area, the reconstruction of the DelCarte Property Dam and improvements to the Recycling Center. Future projects include adding a sidewalk on the Police Station side of Panther Way, a left turn lane on Route 140 at Panther Way, culvert work on Oxford Drive, an improved pedestrian crosswalk with signal on Washington Street at the Parmenter School, the demolition of the old DPW and the construction of the new DPW. Mr. Cantoreggi confirmed mosquito control is conducted by Norfolk County and under revised Federal guidelines; new street signs will include capital and lowercase letters. Mr. Cantoreggi explained the DPW planned to put permanent patch work on Regent Circle within the next 60 days and said more road work could be completed but there are limited funds available for needed road work.

SUBCOMMITTEE REPORTS: NONE

LEGISLATION FOR ACTION:

Resolution 13-24: Authorization for Town Administrator to Execute MASS DOT Land Damage Agreement in Connection with Route 140 Improvements: **MOTION** by Councilor Pfeffer to waive the reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Powderly to move Resolution 13-24 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained

this is just an easement to allow the State to maintain the traffic light, which was installed in front of the Big Y supermarket located on Route 140. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Resolution 13-29: Authorization to Sign Amended Regulatory Agreement - Meadowbrook Heights:

MOTION by Councilor Powderly to waive the reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Powderly to move Resolution 13-29 **SECONDED** by Councilor Jones. **DISCUSSION:** Ms. Kinhart and Mr. Nutting explained this resolution allows the location of three designated affordable units to be swapped for three market rate units. The reason for the “swap” is at this time, there are only buyers for the market rate units and no buyers for the designated affordable units. The resolution stipulates the developer must complete construction of the affordable units prior to building the market rate units. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Bylaw Amendment 13-700: Amendment of Service Fees: Chapter 82, Appendix A – Solid Waste and Recycling – 2nd Reading:

Councilor Pfeffer read the bylaw amendment to increase the annual curbside trash fee by \$8.00. **MOTION** by Councilor Powderly to move Bylaw Amendment 13-700 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained the Town has a large increase in cost due to inflation. The fee increase will cover some of the additional cost, with the balance of increased cost coming from reserves. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Absent, Vallee-Yes.** **VOTE to Approve: 8– 0 – 1 Unanimous.**

Zoning Bylaw Amendment 13-701: Chapter 185, Section 3 – Definitions: **MOTION** by Councilor Jones to TABLE Zoning Bylaw Amendment 13-701 until May 15th **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-702: Chapter 185, Section 36 - Impervious Surfaces: **MOTION** by Councilor Jones to TABLE Zoning Bylaw Amendment 13-702 until May 15th **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-703: Chapter 185, Section 40 – Water Resource District: **MOTION** by Councilor Jones to TABLE Zoning Bylaw Amendment 13-703 until May 15th **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-704: Chapter 185, Attachment 9 – Schedule of Lot, Area, Frontage, Yard and Height Requirements: **MOTION** by Councilor Jones to TABLE Zoning Bylaw Amendment 13-704 until May 15th **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-705: Chapter 185, Section 5 – Zoning Map – 1st Reading: Councilor Pfeffer read the zoning bylaw amendment to change from Single Family III to Business an area containing approximately 2.21 acres. **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-705 to a 2nd Reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting stated the Budget Hearings would take place on May 15th and May 16th, and the Budget Packets were available and if any councilors had questions they should contact his office. ► Mr. Nutting reminded folks Earth Day is coming up and encouraged people to participate. ► Mr. Nutting said he had received phone calls the previous week from citizens asking why all Town flags were not lowered to half-staff in light of the recent Marathon Bombing. Mr. Nutting explained the protocol for lowering the flags, and said according to the Governor’s Office email, only the flags located at the main or administrative town buildings were ordered to be lowered. ► Mr. Nutting said the DPW will be making repairs to Regent Circle, and that a dedicated override for road repairs would be the way to ensure funding for the maintenance of Town roads.

OLD BUSINESS: Councilor Jones reiterated the need for the Facilities Director to provide the list of needed

repairs to the Council as soon as possible.

NOTE: *Councilor Mercer departed the meeting.*

NEW BUSINESS: ► **Regent Circle** resident Steve Derdarian spoke about the need to have the road reconstructed, citing safety and aesthetic concerns. Mr. Nutting and Mr. Cantoreggi explained the process by which roadways are selected for reconstruction. Mr. Nutting said he would have more information regarding when Regent Circle would be reconstructed once the Master Water Plan is completed, which is expected by year's end. Mr. Nutting and Mr. Cantoreggi said Regent Circle would be repaired within the next 60 days making the road safe until the road could be reconstructed. Several Councilors spoke about the need to have additional funding to support road reconstruction and repair work on Franklin's 168 miles of roadways. Chairman Vallee invited Mr. Derdarian to come back to the Council to report how the road is once the repair work is completed. ► **Old Town Hall** – Chairman Vallee inquired about the next step for the building. Mr. Nutting suggested the issue be referred to the Economic Development Committee to gather information and alternatives for the building. ► **CSX Property** – Chairman Vallee inquired about the land owned by CSX located on the corner of Union and Cottage Streets. Mr. Nutting said he will make one more attempt to contact CSX in order to have the company improve the appearance of the property. Mr. Nutting suggested the Town might have more success getting the company to make improvements by enlisting the aid of an elected representative.

COUNCILOR COMMENTS: ► Councilor Dellorco expressed condolences to the victims of the Marathon Day bombing and shared a conversation he had with Boston police officers who were grateful for the fine job the Metro Swat Team did to assist in the events of that week. ► Councilor Powderly wished Bob Fahey a speedy full recovery. Councilor Powderly thanked and said she was proud of all the first responders, volunteers, public safety officers and everyone who assisted those injured during the Marathon Day bombing. ► Councilor Bissanti commended all those who helped during and after the Marathon Day bombing. ► Councilor Jones sent prayers to all those affected by the Marathon Day bombing and thanked the Watertown Police Department for the work they did during the post Marathon Day bombing events. ► Councilor Pfeffer congratulated the Cultural Council on their Award Ceremony at the new Historical Building. ► Chairman Vallee inquired about the staffing levels at the Facilities Department. Mr. Nutting said all areas of Town staffing have been reduced due to budget constraints. Mr. Nutting said the Facilities Department works with less staff and more square footage than it did in past years and supported Mr. D'Angelo's efforts to maintain Town owned buildings. Chairman Vallee asked for an update on the Solar Farm. Mr. Nutting said tree work was done that same day.

ADJOURN: MOTION by Councilor Powderly to adjourn **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-7, No-0, Absent-2.** Meeting adjourned at 9:15PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary

PUBLIC HEARINGS

TEXT OF BYLAWS IS FOUND UNDER LEGISLATION FOR
ACTION

IMPERVIOUS SURFACES:

- Zoning Bylaw Amendment 13-702: Changes to Chapter 185, Section 36. Impervious Surfaces – **Continued from May 15th**
- Zoning Bylaw Amendment 13-703: Changes to Chapter 185, Section 40. Water Resource District – **Continued from May 15**
- Zoning Bylaw Amendment 13-716: Changes to Chapter 185, Section 3. Definitions
- Zoning Bylaw Amendment 13-717: Amendment to Chapter 185, Attachment 9. Schedule of Lot, Area, Frontage, Yard and Height Requirements

POND STREET CHANGE OF ZONING:

- Zoning Bylaw Amendment 13-714: Changes to Chapter 185-3. Definitions
- Zoning Bylaw Amendment 13-715: Changes to Chapter 185-7. Compliance Required.

LICENSE TRANSACTIONS

1. COLWEN MANAGEMENT DBA
RESIDENCE INN BY MARRIOTT-
FRANKLIN IS REQUESTING AN
ALL ALCOHOLIC BEVERAGES
HOTEL LICENSE FOR THE LOCATION,
4 FORGE PARKWAY. THE MANAGER
IS TO BE NORBERT GINTER



LICENSE TRANSACTION:

Colwen Management, Inc.dba Residence Inn By Marriott-Franklin is requesting an All Alcoholic Beverages Hotel/Innholders License located at 4 Forge Parkway. The Manager is to be Norbert Ginter.

We recommend approval of this license with the issuance of the license held until final inspection approvals are received from the Building Dept. and Fire Dept.

MOTION to approve the application by Colwen Management, Inc. dba Residence Inn by Marriott-Franklin for an All Alcoholic Beverages Hotel/Innholders License with the manager to be Norbert Ginter and the license is to be held in the Town Administrator's office until all approvals are received.

DATED: _____, 2013

A True Record Attest:

Deborah L. Pellegrini
Town Clerk

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council



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

☐ For Reconsideration

FORM 43
MUST BE SIGNED BY LOCAL LICENSING AUTHORITY

ABCC License Number

City/Town

Local Approval Date

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|---|--|---|---|
| <input checked="" type="checkbox"/> New License | <input type="checkbox"/> New Officer/Director | <input type="checkbox"/> Pledge of License | <input type="checkbox"/> Change Corporate Name |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Pledge of Stock | <input type="checkbox"/> Seasonal to Annual |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock | <input type="checkbox"/> Change of License Type |
| <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> Issuance of Stock | <input type="checkbox"/> New Stockholder | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License | <input type="checkbox"/> Management/Operating Agreement | <input type="checkbox"/> Wine & Malt to All Alcohol | |

Name of Licensee

EIN of Licensee

D/B/A

Manager

ADDRESS: CITY/TOWN: STATE: ZIP CODE:

Annual or Seasonal

Category: (All Alcohol- Wine & Malt Wine,
Malt & Cordials)

Type: (Restaurant, Club, Package
Store, General On Premises, Etc.)

Complete Description of Licensed Premises:

Application Filed:

Date & Time

Advertised:

Date & Attach Publication

Abutters Notified: Yes ☒ No ☐

Contact Person for Transaction

Phone:

ADDRESS: CITY/TOWN: STATE: ZIP CODE:

Remarks:

The Local Licensing Authorities
By:

Judith Pond Pfeffer
Clerk, Franklin Town

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

ABCC Remarks:

APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE

City/Town

Franklin

1. LICENSEE INFORMATION:

A. Legal Name/Entity of Applicant:(Corporation, LLC or Individual) Colwen Management Inc.

B. Business Name (if different) : Residence Inn by Marriott -Franklin

C. Manager of Record: Norbert Ginter

D. ABCC License Number (for existing licenses only) :

E. Address of Licensed Premises: 4 Forge Parkway

City/Town: Franklin

State:

MA

Zip:

02038

F. Business Phone: (508) 541-8188

G. Cell Phone: 617-835-4068

H. Email: nginter@colwenhotels.com

I. Website:

J. Mailing address (if different from E.):

City/Town:

State:

Zip:

2. TRANSACTION:

- ☒ New License ☐ New Officer/Director ☐ Transfer of Stock ☐ Issuance of Stock ☐ Pledge of Stock
☐ Transfer of License ☐ New Stockholder ☐ Management/Operating Agreement ☐ Pledge of License

The following transactions must be processed as new licenses:

- ☐ Seasonal to Annual ☐ (6) Day to (7)-Day License ☐ Wine & Malt to All Alcohol

IMPORTANT ATTACHMENTS (1): The applicant must attach a vote of the entity authorizing all requested transactions, including the appointment of a Manager of Record or principal representative.

3. TYPE OF LICENSE:

- ☐ \$12 Restaurant ☒ \$12 Hotel ☐ \$12 Club ☐ \$12 Veterans Club
☐ \$12 General On-Premises ☐ \$12 Tavern (No Sundays) ☐ \$15 Package Store

4. LICENSE CATEGORY:

- ☒ All Alcoholic Beverages ☐ Wine & Malt Beverages Only ☐ Wine or Malt Only
☐ Wine & Malt Beverages with Cordials/Liqueurs Permit

5. LICENSE CLASS:

- ☒ Annual ☐ Seasonal

6. CONTACT PERSON CONCERNING THIS APPLICATION (ATTORNEY IF APPLICABLE)

NAME:

Terrence Bickhardt, Sr. Vice Presient

ADDRESS:

Colwen Mgt. Inc. 1 Tara Blvd. Suite 401

CITY/TOWN:

Nashua

STATE: NH

ZIP CODE:

03060

CONTACT PHONE NUMBER:

603-897-6100

FAX NUMBER:

603-897-6110

EMAIL: tbickhardt@colwenhotels.com

7. DESCRIPTION OF PREMISES:

Please provide a complete description of the premises to be licensed. Please note that this must be identical to the description on the Form 43.

108 suite Marriott Residence Inn with first floor restaurant bar lounge area

Total Square Footage: 1578

Number of Entrances: 2

Number of Exits: 2

Occupancy Number: 48

Seating Capacity: 48

IMPORTANT ATTACHMENTS (2): The applicant must attach a floor plan with dimensions and square footage for each floor & room.

8. OCCUPANCY OF PREMISES:

By what right does the applicant have possession and/or legal occupancy of the premises?

Final Lease

IMPORTANT ATTACHMENTS (3): The applicant must submit a copy of the final lease or documents evidencing a legal right to occupy the premises.

Other:

Landlord is a(n):

LLC

Other:

Name:

Turnberry Inn Group LLC

Phone:

603-518-2296

Address:

1359 Hooksett Road

City/Town:

Hooksett

State:

NH

Zip:

03106

Initial Lease Term: Beginning Date

April 1, 2013

Ending Date

April 1 2023

Renewal Term:

Options/Extensions at:

Years Each

Rent:

\$12,000.00

Per Year

Rent:

\$1,000.00

Per Month

Do the terms of the lease or other arrangement require payments to the Landlord based on a percentage of the alcohol sales?

Yes ☐ No ☒**IMPORTANT ATTACHMENTS (4):**

1. If yes, the Landlord is deemed a person or entity with a financial or beneficial interest in this license. Each individual with an ownership interest with the Landlord must be disclosed in §10 and must submit a completed Personal Information Form attached to this application.
2. Entity formation documents for the Landlord entity must accompany the application to confirm the individuals disclosed.
3. If the principals of the applicant corporation or LLC have created a separate corporation or LLC to hold the real estate, the applicant must still provide a lease between the two entities.

9. LICENSE STRUCTURE:

The Applicant is a(n):

Corporation

Other :

If the applicant is a Corporation or LLC, complete the following:

Date of Incorporation/Organization:

06/7/2001


State of Incorporation/Organization: New Hampshire

Is the Corporation publicly traded? Yes ☐ No ☒**10. INTERESTS IN THIS LICENSE:**

List all individuals involved in the entity (e.g. corporate stockholders, directors, officers and LLC members and managers) and any person or entity with a direct or indirect, beneficial or financial interest in this license (e.g. landlord with a percentage rent based on alcohol sales).

IMPORTANT ATTACHMENTS (5):

A. All individuals or entities listed below are required to complete a Personal Information Form.B. All shareholders, LLC members or other individuals with any ownership in this license must complete a CORI Release Form.

Name	All Titles and Positions	Specific # of Stock or % Owned	Other Beneficial Interest
Mark Schleicher	Director	33%	
Mark R. Stebbins	Director/Treasurer	33%	
Leo Xarras	Director/CEO	33%	
Henry B. Stebbins	Secretary		
Terrace Bickhardt	Sr. V.P		

*If additional space is needed, please use last page.

11. EXISTING INTEREST IN OTHER LICENSES:

Does any individual listed in §10 have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☐ No ☐ If yes, list said interest below:

Name	License Type	Licensee Name & Address
	§12 Hotel	Residence Inn by Marriott 503 Plantation Street, Worcester MA
	§12 Hotel	Residence Inn by Marriott 200 Maple Street, Chelsea MA
	§12 Hotel	Courtyard by Marriott 72 Grove Street, Worcester, MA
	§12 Hotel	Renaissance Hotel at Patriot Place 28 Patriot Place Foxborough MA
	§12 Hotel	In Process: Residence Inn Needham 80 B Street, Needham, MA
	Please Select	
	Please Select	

*If additional space is needed, please use last page.

12. PREVIOUSLY HELD INTERESTS IN OTHER LICENSES:

Has any individual listed in §10 who has a direct or indirect beneficial interest in this license ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☐ No ☒ If yes, list said interest below:

Name	Licensee Name & Address	Date	Reason Terminated
	n/a		Please Select
			Please Select
			Please Select

13. DISCLOSURE OF LICENSE DISCIPLINARY ACTION:

Have any of the disclosed licenses to sell alcoholic beverages listed in §11 and/or §12 ever been suspended, revoked or cancelled? Yes ☐ No ☒ If yes, list said interest below:

Date	License	Reason of Suspension, Revocation or Cancellation
	n/a	

14. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR A (§15) PACKAGE STORE LICENSE ONLY :**A.) For Individual(s):**

1. Are you a U.S. Citizen?

Yes ☐ No ☐

2. Are you a Massachusetts Residents?

Yes ☐ No ☐

B.) For Corporation(s) and LLC(s) :

1. Are all Directors/LLC Managers U.S. Citizens?

Yes ☐ No ☐

2. Are a majority of Directors/LLC Managers Massachusetts Residents?

Yes ☐ No ☐

3. Is the License Manager or Principal Representative a U.S. Citizen?

C.) Shareholder(s), Member(s), Director(s) and Officer(s):

1.. Are all Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old?

Yes ☐ No ☐

15. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR (§12) RESTAURANT, HOTEL, CLUB, GENERAL ON PREMISE, TAVERN, VETERANS CLUB LICENSE ONLY:**A.) For Individual(s):**

1. Are you a U.S. Citizen?

Yes ☐ No ☐

B.) For Corporation(s) and LLC(s) :

1. Are a majority of Directors/LLC Managers **NOT** U.S. Citizen(s)?

Yes ☐ No ☒

2. Is the License Manager or Principal Representative a U.S. Citizen?

Yes ☒ No ☐

C.) Shareholder(s), Member(s), Director(s) and Officer(s):

1.. Are all Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old?

Yes ☒ No ☐

16. COSTS ASSOCIATED WITH LICENSE TRANSACTION:

A. Purchase Price for Real Property:	<input type="text"/>
B. Purchase Price for Business Assets:	<input type="text"/>
C. Costs of Renovations/Construction:	<input type="text"/>
D. Initial Start-Up Costs:	<input type="text"/>
E. Purchase Price for Inventory:	<input type="text"/>
F. Other: (Specify)	<input type="text"/>
G: TOTAL COST	<input type="text" value="\$0.00"/>
H. TOTAL CASH	<input type="text" value="\$0.00"/>
I. TOTAL AMOUNT FINANCED	<input type="text" value="\$0.00"/>

IMPORTANT ATTACHMENTS (6): Submit any and all records, documents and affidavits including loan agreements that explain the source(s) of money for this transaction. Sources of cash must include a minimum of three (3) months of bank statements.

The amounts listed in subsections (H) and (I) must total the amount reflected in (G).

17. PROVIDE A DETAILED EXPLANATION OF THE FORM(S) AND SOURCE(S) OF FUNDING FOR THE COSTS IDENTIFIED ABOVE (INCLUDE LOANS, MORTGAGES, LINES OF CREDIT, NOTES, PERSONAL FUNDS, GIFTS):

Tenant will bear no cost for the fit up of the bar area. Landlord will provide fit up.

*If additional space is needed, please use last page.

18. LIST EACH LENDER AND LOAN AMOUNT(S) FROM WHICH "TOTAL AMOUNT FINANCED" NOTED IN SUB-SECTIONS 16(I) WILL DERIVE:

A.		
Name	Dollar Amount	Type of Financing
n/a		

*If additional space is needed, please use last page.

B. Does any individual or entity listed in §19 as a source of financing have a direct or indirect, beneficial or financial interest in this license or any other license(s) granted under Chapter 138? Yes ☐ No ☒

If yes, please describe:

n/a

19. PLEDGE: (i.e. COLLATERAL FOR A LOAN)

A.) Is the applicant seeking approval to pledge the license? ☐ Yes ☒ No

1. If yes, to whom:

2. Amount of Loan: 3. Interest Rate: 4. Length of Note:

5. Terms of Loan :

B.) If a corporation, is the applicant seeking approval to pledge any of the corporate stock? ☐ Yes ☒ No

1. If yes, to whom:

2. Number of Shares:

C.) Is the applicant pledging the inventory? ☐ Yes ☒ No

If yes, to whom:

IMPORTANT ATTACHMENTS (7): If you are applying for a pledge, submit the pledge agreement, the promissory note and a vote of the Corporation/LLC approving the pledge.

20. CONSTRUCTION OF PREMISES:

Are the premises being remodeled, redecorated or constructed in any way? If YES, please provide a description of the work being performed on the premises: ☒ Yes ☐ No

Hotel breakfast room will receive some minor renovations to include adding the 7 seat bar area to the great room/dining area. This will include adding new plumbing (supply and drain) to the bar from the existing kitchen as well as new electrical work. New flooring will be installed throughout the space, new millwork for the bar and wallcovering and paint.

21. ANTICIPATED OPENING DATE:

**IF ALL OF THE INFORMATION AND
ATTACHMENTS ARE NOT COMPLETE
THE APPLICATION WILL BE
RETURNED**

APPLICANT'S STATEMENT

I, Terrance Bickhardt the ☐ sole proprietor; ☐ partner; ☒ corporate principal; ☐ LLC/LLP member
of Colwen Management Inc., hereby submit this application for Colwen Management Inc. (hereinafter the
"Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and
together with the LLA collectively the "Licensing Authorities") for approval.

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

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

Signature: 

Date: 3/1/13

Title: Senior Vice President



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

MANAGER APPLICATION

All proposed managers are required to complete a Personal Information Form,
and attach a copy of the corporate vote authorizing this action and appointing a manager.

1. LICENSEE INFORMATION:

Legal Name of Licensee:	Colwen Management Inc.	Business Name (dba):	Residence Inn by Marriott Franklin
Address:	1 Tara Blvd S 401		
City/Town:	Nashua	State:	NH Zip Code: 03060
ABCC License Number: (If existing licensee)		Phone Number of Premise:	508-541-8188

2. MANAGER INFORMATION:

A. Name:	Norbert Ginter	B. Cell Phone Number:	617 835 4068
C. List the number of hours per week you will spend on the licensed premises:	45-55		

3. CITIZENSHIP INFORMATION:

A. Are you a U.S. Citizen:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	B. Date of Naturalization:	APRIL 10, 1998	C. Court of Naturalization:	U.S. DISTRICT COURT BOSTON, MA
----------------------------	---	----------------------------	----------------	-----------------------------	-----------------------------------

(Submit proof of citizenship and/or naturalization such as US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

4. BACKGROUND INFORMATION:

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, please describe: <input type="text"/>	
B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, please describe: <input type="text"/>	
C. Have you ever been the Manager of Record of a license that was issued by this Commission?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, please describe: <input type="text"/>	
D. Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):	

Colwen Management - Residence Inn by Marriott - Franklin, MA - GM - Sept, 2011 - present
Marriott Sales Office - Blymedford, MA - Sept, 2010 - Sept 2011
Towne Place Suites by Marriott - Danvers, MA - GM - June, 09 - Sept 2010
Marriotts - Curran House - Boston, MA - Front Office Manager - April 07 - Sept 2010

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

Date

3/1/13



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

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee Colwell Mgmt. Inc B. Business Name (dba) Residence Inn - Franklin
C. Address 1 Tara Blvd. S 401 D. ABCC License Number
(If existing licensee)
E. City/Town Nashua, NH State NH Zip Code 03060
F. Phone Number of Premise 508 - 541-8188 G. EIN of License 02-0526858

2. PERSONAL INFORMATION:

A. Individual Name NORBERT GINTER B. Home Phone Number 781-982-4011
C. Address 226 WOODLAND DR
D. City/Town HANDLER State MA Zip Code 02339
E. Social Security Number F. Date of Birth
G. Place of Employment RESIDENCE Inn by MARRIOTT, Franklin, MA

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime?

Yes ☐ No ☒

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

[Signature]

Date

3/1/13

Title

General Manager

(If Corporation/LLC Representative)



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

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Colwen Management Inc.	B. Business Name (dba)	Residence Inn by Marriott -Franklin		
C. Address	4 Forge Parkway	D. ABCC License Number (If existing licensee)	new license		
E. City/Town	Franklin	State	MA	Zip Code	02038
F. Phone Number of Premise	508-541-8188	G. EIN of License	02-0511284		

2. PERSONAL INFORMATION:

A. Individual Name	Mark Schleicher	B. Home Phone Number	802-649-2034		
C. Address	35 Watergate Drive S 1003				
D. City/Town	Sarasota	State	FL	Zip Code	34236
E. Social Security Number		F. Date of Birth			
G. Place of Employment	Storm Peak Capital PO Box 590 Norwich VT 05055				

3. BACKGROUND INFORMATION:

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

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.
*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature		Date	4/22/2013
Title	Director	(If Corporation/LLC Representative)	



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

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Colwen Management Inc.	B. Business Name (dba)	Residence Inn by Marriott -Franklin		
C. Address	4 Forge Parkway	D. ABCC License Number (If existing licensee)	new license		
E. City/Town	Franklin	State	MA	Zip Code	02038
F. Phone Number of Premise	508-541-8188	G. EIN of License	02-0511284		

2. PERSONAL INFORMATION:

A. Individual Name	Mark R. Stebbins	B. Home Phone Number	603-623-8811		
C. Address	117 Bow Street # 1 B				
D. City/Town	Portsmouth	State	NH	Zip Code	03801
E. Social Security Number		F. Date of Birth			
G. Place of Employment	Schleicher & Stebbins Hotels LLC PO Box 4430 Manchester NH 03108				

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime?

Yes ☐ No ☒

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

--

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

Date

4/22/2013

Title

Director

(If Corporation/LLC Representative)



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

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Colwen Management Inc.	B. Business Name (dba)	Residence Inn by Marriott -Franklin
C. Address	4 Forge Parkway	D. ABCC License Number (If existing licensee)	new license
E. City/Town	Franklin	State	MA Zip Code 02038
F. Phone Number of Premise	508-541-8188	G. EIN of License	02-0511284

2. PERSONAL INFORMATION:

A. Individual Name	Leo Xarras	B. Home Phone Number	617-742-4848
C. Address	117 Bow Street Apt A6		
D. City/Town	Portsmouth	State	NH Zip Code 03801
E. Social Security Number		F. Date of Birth	
G. Place of Employment	Colwen Management Inc. 1 Tara Blvd. S 400 Nashua, NH 03060		

3. BACKGROUND INFORMATION:

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

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.
*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature		Date	4/24/2013
Title	Chairman & CEO	(If Corporation/LLC Representative)	



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

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Colwen Management Inc.	B. Business Name (dba)	Residence Inn by Marriott -Franklin
C. Address	4 Forge Parkway	D. ABCC License Number (If existing licensee)	new license
E. City/Town	Franklin	State	MA Zip Code 02038
F. Phone Number of Premise	508-541-8188	G. EIN of License	02-0511284

2. PERSONAL INFORMATION:

A. Individual Name	Henry B. Stebbins	B. Home Phone Number	603-627-3700
C. Address	135 Bow Street # 1		
D. City/Town	Portsmouth	State	NH Zip Code 03801
E. Social Security Number		F. Date of Birth	
G. Place of Employment	Stebbins Lazos & Van Der Beken, PA Manchester NH		

3. BACKGROUND INFORMATION:

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

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.
*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature		Date	4/22/13
Title	Secretary	(If Corporation/LLC Representative)	



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

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Colwen Mgmt. Inc.	B. Business Name (dba)	Residence Inn Franklin
C. Address	1 Tara Blvd. S. 401	D. ABCC License Number (If existing licensee)	
E. City/Town	Nashua NH	State	NH
		Zip Code	03060
F. Phone Number of Premise	508-524-8188	G. EIN of License	02-0526858

2. PERSONAL INFORMATION:

A. Individual Name	TERRENCE BICKHAADT	B. Home Phone Number	860 625 8336
C. Address	187 LAUREL H. DR		
D. City/Town	WOODSTOCK VALLEY	State	CT
		Zip Code	06282
E. Social Security Number		F. Date of Birth	
G. Place of Employment	COLWEN MANAGEMENT		

3. BACKGROUND INFORMATION:

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

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.
*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature		Date	3/1/13
Title	Senior Vice President	(If Corporation/LLC Representative)	

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

April 11, 2013 11:12 AM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive style with a large, stylized initial "W".

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

F
FPC

The Commonwealth of Massachusetts

William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Boston, Massachusetts 02108-1512

FORM MUST BE TYPED

Certificate of Amendment

FORM MUST BE TYPED

(General Laws Chapter 156D, Section 15.04; 950 CMR 113.49)

(1) Exact name of corporation: Colwen Management, Inc.
(as contained in the Division's records)

(2) Registered office address: 155 Federal Street, STE 700, Boston, MA 02110
(number, street, city or town, state, zip code)

(3) This amendment shall change:

(check appropriate box(es))

☐ the corporation's name to: _____

☐ the period of the corporation's duration to: _____

☐ the state or country of its incorporation to*: _____

☐ the street address of its principal office to: _____

☐ the fiscal year end to: _____

☐ the activities conducted by the foreign corporation in the commonwealth: _____

☒ its officers and directors: See attached

☐ other: _____

The name must satisfy the requirements of G.L. Chapter 156D, Section 15.06.

* If the amendment includes a change of its corporate name, or the state or country of its incorporation, attach a certificate evidencing the changes duly authenticated by the secretary of state or other official having custody of the corporate records in the state or country under whose law it is incorporated. If the certificate is in a foreign language, a translation thereof under oath of the translator shall be attached.

This certificate is effective at the time and on the date approved by the Division, unless a later effective date not more than 90 days from the date of filing is specified: _____

Signed by: _____



(signature of authorized individual)

- ☐ Chairman of the board of directors,
- ☐ President,
- ☒ Other officer,
- ☐ Court-appointed fiduciary,

on this 10th day of April, 2013

Colwen Management, Inc.

Officers and Directors

<u>Name</u>	<u>Position</u>	<u>Business Address</u>
Mark Schleicher	Director	249 Bragg Hill Road Norwich, VT 05055
Mark R. Stebbins	Director	1359 Hooksett Road Hooksett, NH 03106
Leo Xarras	Director & CEO	One Tara Boulevard Nashua, NH 03060
Mark R. Stebbins	Treasurer	1359 Hooksett Road Hooksett, NH 03106
Henry B. Stebbins	Secretary	66 Hanover Street Manchester, NH 03101
Terrance Bickhardt	Sr. V.P.	One Tara Boulevard Nashua, NH 03060

Colwen Management, Inc.

Consent of Directors

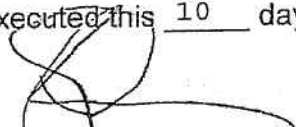
The undersigned, being all of the Directors of Colwen Management, Inc. a New Hampshire corporation organized and existing under the New Hampshire Business Corporation Act (NH REA 293-A) (the "Corporation"), do hereby consent that the following actions be taken without a meeting pursuant to New Hampshire 293-A: such actions to be effective as of the date hereof:

RESOLVED: That the following individuals be elected officers of the Corporation to serve in the position set forth beside their name until their successor has been duly elected:

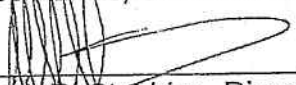
Chairman of the Board And CEO	Leo Xarras
Senior Vice President	Terry Bickhardt
Treasurer	Mark Stebbins
Secretary	Henry Stebbins

FURTHER RESOLVED: That the Corporation accept the resignation of Karl Glover from the position as President of the Corporation effective immediately.

Executed this 10 day of April, 2013.



Leo Xarras, Chairman & Director



Mark R. Stebbins, Director

Mark C. Schleicher, Director

Colwen Management, Inc.

Consent of Directors

The undersigned, being all of the Directors of Colwen Management, Inc. a New Hampshire corporation organized and existing under the New Hampshire Business Corporation Act (NH REA 293-A) (the "Corporation"), do hereby consent that the following actions be taken without a meeting pursuant to New Hampshire 293-A: such actions to be effective as of the date hereof:

RESOLVED: That the following individuals be elected officers of the Corporation to serve in the position set forth beside their name until their successor has been duly elected:

Chairman of the Board
And CEO

Leo Xarras

Senior Vice President

Terry Bickhardt

Treasurer

Mark Stebbins

Secretary

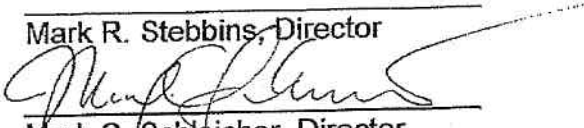
Henry Stebbins

FURTHER RESOLVED: That the Corporation accept the resignation of Karl Glover from the position as President of the Corporation effective immediately.

Executed this 10th day of April, 2013.

Leo Xarras, Chairman & Director

Mark R. Stebbins, Director



Mark C. Schleicher, Director

Colwen Management, Inc.

Consent of Directors


The undersigned, being all of the Directors of Colwen Management, Inc. a New Hampshire corporation organized and existing under the New Hampshire Business Corporation Act (NH REA 293-A) (the "Corporation"), do hereby consent that the following actions be taken without a meeting pursuant to New Hampshire 293-A: such actions to be effective as of the date hereof:

RESOLVED: That the Corporation file all necessary applications with the Commonwealth of Massachusetts Alcoholic Beverage Control Commission and the City of Franklin, MA for an Alcoholic Beverage License for Retail sale at the Residence Inn by Marriott in Franklin, Massachusetts, and take all other actions, and execute and deliver such documents, affidavits and certificates, as may be necessary or beneficial to obtain such Alcoholic Beverage License for Retail Sale.

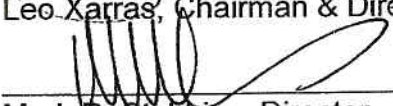
RESOLVED: That Norman Ginter, General Manager of the Residence Inn by Marriott is hereby authorized to serve as Manager of Record of the Hotel.

RESOLVED: That Terrence Bickhardt, Senior Vice President of Colwen Management, Inc. is authorized to take all actions required to apply for and maintain an Alcoholic Beverage License for Retail Sale.

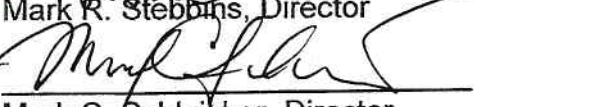
Executed this 28th day of February, 2013.



Leo Xarras, Chairman & Director



Mark R. Stebbins, Director



Mark C. Schleicher, Director

PRESENTATIONS

AND

DISCUSSIONS

FORM OF NON-BINDING BALLOT
QUESTION, RE: ADOPTION OF MAYORAL
FORM OF GOVERNMENT

MEMORANDUM

TO: Franklin Town Council

FROM: Mark G. Cerel, Town Attorney

RE: Form of Non-binding Ballot Question, re: Adoption of Mayoral
Form of Government

DATE: May 29, 2013

You have asked me to draft a non-binding local ballot question seeking voter response to having an elected mayor. There is no required legal form for a non-binding local ballot question apart from G.L. Chapter 54, Section 42B's requirement that it be stated on the ballot: "This question is not binding." There are as many variations for wording the question as there are forms of local government involving an elected mayor. Two suggested forms for the question are:

1. Would you be in favor of electing a mayor to govern the city know as the Town of Franklin?
2. Would you be in favor of further amending the Franklin Home Rule Charter to provide for the election of a mayor to govern the city known as the Town of Franklin?

MGC:ce



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 13-38

ACCEPTANCE OF GRANT OF RIGHT OF ACCESS OVER LAND AT 828 WEST CENTRAL STREET

WHEREAS, the Franklin Conservation Commission approved a negative determination of applicability for a proposed development project on land located at 828 West Central Street by decision dated November 15, 2012 and said decision contained a condition that the owner-developer-tenant applicants provide a grant of pedestrian access from West Central Street to Town conservation land known as DeSaulniers Gorge to the Town of Franklin, and

WHEREAS, Unionville GS LLC, is the present owner of said land and Gas Development Lease Franklin LLC is the developer-tenant and The Stop & Shop Supermarket Company LLC is the operator sub-tenant and all three parties have executed the Grant of Right of Access, a true copy of which is attached hereto as "Exhibit 1", in compliance with the condition contained in the Conservation Commission approval.

NOW THEREFORE, BE IT ORDERED that the Town of Franklin acting by and through its Town Council, accepts the Grant of Right of Access attached hereto as "Exhibit 1" and it is further ordered that a true copy of this resolution be recorded with the original grant 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: June _____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

ABSTAIN _____

**Deborah L. Pellegrini
Town Clerk**

ABSENT _____

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

GRANT OF RIGHT OF ACCESS

This **GRANT OF RIGHT OF ACCESS** ("Grant") is entered into as of the ____ day of _____, 2013 by and among **UNIONVILLE GS LLC**, a Massachusetts limited liability company ("Unionville"), having a mailing address of 438 West Central Street, P.O. Box Q, Franklin, Massachusetts 02038, **GAS DEVELOPMENT LEASE FRANKLIN, LLC**, a Massachusetts limited liability company having a mailing address of 140 Boxwood Lane, Bridgewater, MA, 02324 ("Gas Development"), **THE STOP & SHOP SUPERMARKET COMPANY, LLC**, a Massachusetts limited liability company ("Stop & Shop") having a mailing address of 1385 Hancock Street, Quincy, MA 02169, and the **TOWN OF FRANKLIN**, a municipal corporation organized and existing under the laws of the Commonwealth of Massachusetts with a usual place of business at 355 East Central Street, Franklin, MA 02038 (the "Town"). Unionville, Gas Development, and Stop & Shop are sometimes referred to herein, collectively, as "Grantor".

WITNESSETH:

Reference is made to the following facts which constitute the background to this instrument:

A. Unionville is the owner of a certain parcel of land containing approximately 41,883 square feet (approximately 0.96 acres) located in the Town of Franklin, Norfolk County, Massachusetts and more particularly described in a deed dated September 24, 2002 and recorded with the Norfolk County Registry of Deeds (the "Registry") in Book 17419, Page 254 (the "Unionville Parcel"), which Unionville has leased to Gas Development pursuant to that certain Lease by and between Unionville and Gas Development dated as of March 21, 2012 ("Ground Lease"), notice of which is recorded in the Registry in Book ____, Page ____ and which Gas Development has subleased to Stop & Shop pursuant to that certain Lease by and between Gas Development and Stop & Shop dated as of ____, notice of which is recorded in the Registry in Book ____, Page ____.

B. Unionville, Gas Development, and Stop & Shop have agreed to grant to the Town an access right over a portion of the Unionville Parcel, all as more particularly hereinafter set forth and as shown on a certain plan entitled "Access Plan" dated March 18, 2013 and prepared by Vanasse Hangen Brustin, Inc., a copy of which is attached hereto as Exhibit A (the "Access Plan").

NOW THEREFORE, for and in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Unionville, Gas Development, Stop & Shop, and the Town hereby agree as follows:

1. Access Right from Unionville, Gas Development and Stop & Shop to the Town. Unionville, as owner of the Unionville Parcel, Gas Development, as ground tenant of the Unionville Parcel, and Stop & Shop, as ground subtenant of the Unionville Parcel, hereby grant to the Town, subject to the terms hereof, the non-exclusive right to use a five (5)-foot wide strip of land located in the area of the Unionville

Parcel shown on the Access Plan as "Access Area" (the "Access Area"), solely for pedestrian access (the "Access Right"). It is acknowledged and agreed that this Grant is intended to enable the Town to provide a partial pedestrian connection for purposes of accessing DeSaulniers Gorge when walking from West Central Street. The Town may construct, but shall not be obligated to do so, at its sole cost and expense, a pathway consisting solely of natural and pervious materials within the Access Area substantially in accordance with the Access Plan. The Town shall be solely responsible, at its sole cost and expense, for maintaining, repairing and replacing the Access Area, including, without limitation, any pathways located therein, as necessary from time to time, and the Town's rights hereunder expressly shall be deemed to include the right to enter upon the Access Area for the purpose of performing such maintenance, repair, and replacement. The Town shall keep the Access Area clear of obstructions at all times (except for temporary obstructions necessary in connection with the construction of a pathway or the maintenance or repair of such area) and shall at all times maintain the Access Area in a neat, tidy and safe condition free of all litter and/or debris, which obligation shall include the removal, at the Town's sole cost and expense, of any graffiti art drawn on the retaining wall adjacent to the Access Area. The Town shall also be responsible, at its sole cost and expense, for ensuring that no loitering occurs within the Access Area. Notwithstanding anything to the contrary contained herein, the Access Right shall not become effective with respect to the Unionville Parcel and the Town shall not be entitled to the benefits and subject to the obligations under this Grant, and this Grant shall not be recorded, until an unconditional, final certificate of occupancy has been issued by the Town for Stop & Shop's operation of a fuel facility on the Unionville Parcel.

2. Reserved Rights. The Access Right hereby conveyed does not grant to the Town or the public any rights in, under or across the portion of the Unionville Parcel other than the Access Area. Grantor reserves the right, at its sole cost and expense, at any time and from time to time to continue to use the Unionville Parcel, including the Access Area, in a manner that does not unreasonably interfere with the Access Right, including, without limitation: (a) Grantor's unilateral right to relocate the Access Area, provided that such relocation continues to provide a pedestrian connection to DeSaulniers Gorge and provided further that any existing pathways shall be repaired and/or replaced by the Grantor at its sole cost and expense in connection with such relocation; (b) to erect, outside of and along the Access Area, such fences, vegetated buffers, or other measures it deems reasonably necessary or appropriate to protect the Grantor's privacy; and (c) to establish such driveways, roads, paths or other traveled ways within the Unionville Parcel that do not unreasonably interfere with the Town's use of the Access Area. If Grantor exercises its relocation rights hereunder, upon completion of all relocation work, Grantor and Grantee shall execute, acknowledge and record an amendment to this Grant to reflect the relocation of the Access Area and the termination of the Access Right to the original Access Area.

3. Release of All Claims. The Town agrees to unconditionally and irrevocably release, discharge and waive, and covenants not to sue, Unionville, Gas Development and/or Stop & Shop and all those entities or persons claiming by, under or through Unionville, Gas Development, and/or Stop & Shop, including, without limitation, their respective employees, officers, managers, members, partners, investors, lenders, agents, contractors, representatives, successors and assigns, from any and all causes of action, liabilities, judgments or demands, losses, claims, costs, damages and/or expenses, of any nature whatsoever, arising out of or in any way related to the use by the Town and all parties claiming by, through or under the Town, of the Access Right granted to the Town herein, except as and to the extent that any such causes of action, liabilities, judgments or demands, losses, claims, costs, damages and/or expenses are solely the result of the willful and reckless misconduct of Unionville, Gas Development, and/or Stop & Shop, as applicable. It is the intention of the parties that access to the Access Area shall be free of charge and that to the fullest extent permitted by law, this Access Right constitutes an "interest in land" under Massachusetts General Laws Chapter 21, Section 17C (or such other state or local law that hereafter affords the same or similar protections), and that Grantor shall be afforded all of the rights, protections, privileges and benefits granted thereunder, and as such, Grantor shall not be liable for personal injuries or property damage sustained by members of the public in connection with the rights granted hereunder including, without limitation, a minor or any other person on the Unionville Parcel or the Access Area.
4. Performance of Work. Whenever any construction, maintenance or replacement work is to be performed by the Town within the Access Area pursuant to the Access Right, such work (i) shall not be undertaken until the Town shall have procured all authorizations and all consents for any activity proposed to be performed from other parties having rights in the Access Area, if and to the extent such consents are required, (ii) shall be performed in a safe, diligent and workmanlike manner and in compliance with all applicable laws, ordinances, orders, rules, and regulations, and (iii) shall be performed to the extent practicable in a manner that causes the minimum of interference with the use and enjoyment of the Unionville Parcel. If the Town shall fail to perform any of its maintenance obligations within the Access Area contemplated by this Grant, subject to events of Force Majeure (defined below), and such failure continues beyond thirty (30) days after Grantor has given the Town notice of such default, then Grantor shall have the right (but not the obligation) to perform such maintenance directly, in which case the Town shall reimburse Grantor for all documented costs and expenses incurred by Grantor in connection with such work within thirty (30) days after receipt of any invoice therefor.
5. Grantee's Insurance. Grantee shall maintain public liability insurance with respect to the Access Area, insuring Grantee and naming Grantors as Additional Insureds, with an aggregate limit of not less than One Million Dollars (\$1,000,000.00) for each occurrence with respect to bodily injury, wrongful death and property damage. Grantee shall provide Grantors with Certificates of

Insurance evidencing same. Grantors may review coverage limits every five (5) years and adjust the minimum amount required hereunder to customary limits for similar properties and use.

6. Notice of Entry. Except in cases of emergency, whenever the Town shall intend to enter upon the Unionville Parcel to perform any work pursuant to the Access Right granted hereunder, the Town shall give Unionville, Gas Development, and Stop & Shop reasonable advance written notice of its intent to enter upon such property, the manner and extent of such entry, and the reasons therefor. In the case of an emergency, the Town shall use reasonable efforts to notify both Unionville, Gas Development, and Stop & Shop by telephone of its intent to enter, but such notice need not be given if the giving of notice would not be practicable under the circumstances; in such cases, notice of the entry shall be given as soon thereafter as is practicable.
7. Restoration. To the extent that the exercise of the Town's rights under this Access Agreement requires construction or other work within the Access Area, the Town shall, at its sole cost and expense, promptly restore said land or area to the condition said land or area was in immediately prior to such exercise (including any landscaping or similar improvements). If the Town, or any person claiming by, through, or under the Town causes any damage to the Unionville Parcel, the Town shall promptly restore the same, at its sole cost and expense, to the condition the Unionville Parcel was in prior to such damage.
8. Permissible Delay. Whenever performance is required of any party hereunder, such party shall use all due diligence to perform and take all necessary measures in good faith to perform; provided, however that if completion of performance shall be delayed at any time by reason of acts of God, war, civil commotion, riots, work stoppages arising out of collective bargaining strikes, unavailability of materials or damage to work in progress by reason of fire or other casualty or causes beyond the reasonable control of a party (other than financial reasons) (collectively, "Force Majeure"), then the time for performance as herein specified shall be appropriately extended by the time of the delay actually caused.
9. Bind and Inure. The rights created hereby are not assignable by the Town but this Grant shall run with the land and shall be binding upon and inure to the benefit of the parties, and their respective successors; provided, however, that the owners or ground tenants of the parcel(s) burdened by the rights granted in this Grant shall only be responsible hereunder for matters occurring and claims arising during their respective periods of ownership or tenancy of such burdened parcel(s).
10. Notice.
 - (a) Any notice hereunder shall be given in writing to the party for whom it is intended, in person, by certified mail-return receipt requested, or by a recognized expedited delivery service, at the following address, or such future address as may be designated by notice in writing:

If to Unionville, addressed to:
Unionville GS LLC
Attention: Donald G. Ranieri
438 West Central Street, P.O. Box Q
Franklin, Massachusetts 02038

with a copy in like fashion to

Margaret Ranieri
59 Pleasant Street
Franklin, MA 02038.

If to Gas Development, addressed to:
Gas Development Lease Franklin, LLC,
Attention: Delrico Investments, LLC, Manager
140 Boxwood Lane
Bridgewater, MA 02324

If to Stop & Shop, addressed to:
The Stop & Shop Supermarket Company, LLC
Attention: Senior Vice President Real Estate Development
1385 Hancock Street
Quincy, Massachusetts 02169

with a copy, mailed under separate cover in the same manner to

The Stop & Shop Supermarket Company LLC
Attention: Vice President, Real Estate Law
1385 Hancock Street
Quincy, Massachusetts 02169

with a copy, mailed under separate cover in the same manner to

Goulston & Storrs, P.C.
Attention: John E. Twohig, Esq.
400 Atlantic Avenue
Boston, Massachusetts 02110

If to the Town, addressed to:
Address: _____
Attention: _____
355 East Central Street
Franklin, Massachusetts _____

(b) If the holder of a bona fide mortgage made in good faith for value

("Lender") has sent a written notice to a party to this Grant that expressly states that such Lender is the holder of a security interest in a parcel of land which is burdened or benefitted hereby, describes the nature of the security interest and sets forth the name and address of such Lender, then until such party receives a written notice to the contrary from such Lender (or otherwise receives a copy of the written discharge of such security interest as recorded with the Registry), such party shall send to such Lender copies of all notices it sends pursuant to subsection (a) above to any other party hereunder. Upon request by Grantor, the Town shall, within twenty (20) days, execute and deliver to the Grantor a subordination agreement reasonably acceptable to Grantor and any Lender, now or in the future, evidencing that all of the Town's rights under this Grant are subordinate in all respects to a mortgage held by such Lender on the Unionville Parcel, provided that such subordination shall contain typical non-disturbance language with respect to the Town's rights hereunder.

11. Estoppel. Each party shall, without charge and from time to time, deliver within twenty (20) days of written request by the other party, a certificate (addressed to the requesting party and/or its potential lenders, tenants and purchasers) with respect to the status of this Grant and each party's obligations thereunder.
12. Governing Law. This Grant shall be governed by the laws of the Commonwealth of Massachusetts, as the same may now exist or as may be hereinafter enacted. If any provision of this Grant, or portions thereof, or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Grant, or the application of such provision, or portion thereof, to any other person or circumstances shall not be affected thereby, and such provision of this Grant shall be valid and enforceable to the fullest extent permitted by law.
13. Counterparts. This Access Grant may be executed in several counterparts, each of which shall be deemed an original and all such counterparts shall constitute one and the same instrument. Several copies of this Grant shall be executed and each shall be deemed an original.

[Signatures are on the next page.]

EXECUTED as a sealed instrument as of the day and year first above written.

WITNESS

UNIONVILLE GS LLC

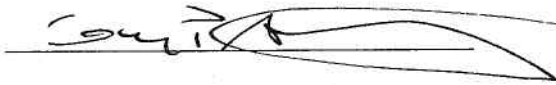
By: _____

Name: _____

Its _____

Hereunto duly authorized

WITNESS



**THE STOP & SHOP SUPERMARKET
COMPANY, LLC**

By: _____

Name: _____

Its _____

Hereunto duly authorized


Timothy Mahoney
Senior Vice President
Real Estate Development

WITNESS

**GAS DEVELOPMENT LEASE FRANKLIN,
LLC**

By: _____

Name: _____

Its _____

Hereunto duly authorized

WITNESS

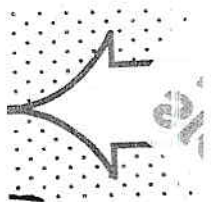
TOWN OF FRANKLIN

By: _____

Name: _____

Its _____

Hereunto duly authorized





101 Walnut Street, P.O. Box 9151
Watertown, Massachusetts 02471
617.924.1770 • FAX 617.924.2286



RCEL

[illegible]

CONCLUSIONS

Survey Property Line
AREA = 4138' 50"
= (0.95' ACRES)

No.		Revision		Date	Appr.
Designed by CMG		Drawn by CMG		Checked by LTM	
CAD checked by			Approved by CPN		
Score 100%		Date March 25, 2013			
Project Title					

issued for

Not Approved for Construction

Exhibit A

Access Plan

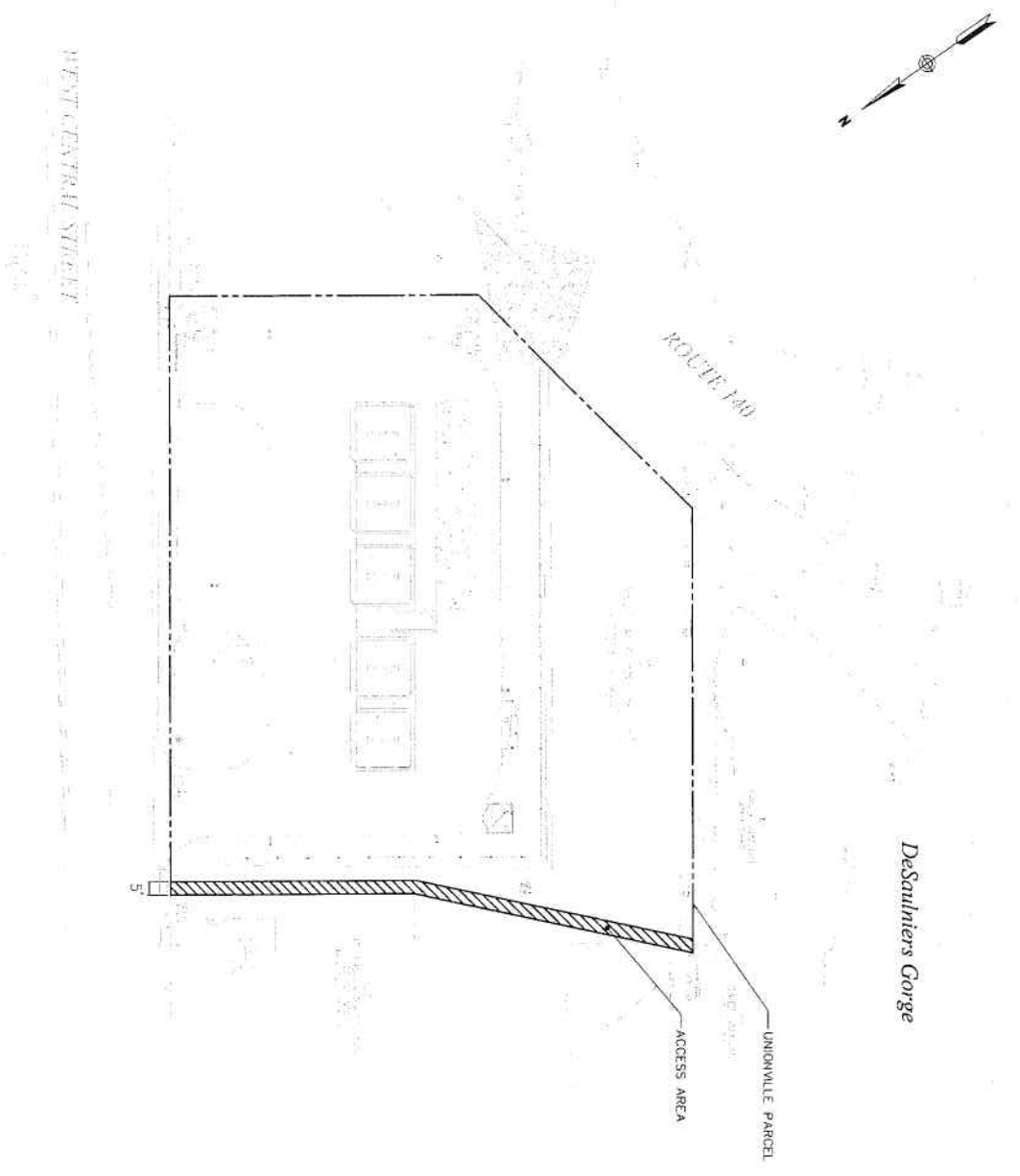
Gravimetric Analysis

WEST C



Sheet of 11

Project Number
11439.00



Desaulniers Gorge

ACCESS AREA

UNIONVILLE PARCEL



Vanneste Hangen Brattlin, Inc.
Transportation
Land Development
Environmental Services
101 Walnut Street, P.O. Box 9151
Westport, Massachusetts 01881
617.944.1119 FAX 617.944.1286

No.	Revision	Date	By	Check
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
32				
33				
34				
35				
36				
37				
38				
39				
40				
41				
42				
43				
44				
45				
46				
47				
48				
49				
50				
51				
52				
53				
54				
55				
56				
57				
58				
59				
60				
61				
62				
63				
64				
65				
66				
67				
68				
69				
70				
71				
72				
73				
74				
75				
76				
77				
78				
79				
80				
81				
82				
83				
84				
85				
86				
87				
88				
89				
90				
91				
92				
93				
94				
95				
96				
97				
98				
99				
100				

123 West Central Street
Providence, MA

Not Approved for Construction
Exhibit A

Access Plan





TOWN OF FRANKLIN

RESOLUTION NO.: 13-39

APPROPRIATION: Appraiser for Downtown HPP Project and Compensation for Permanent and Temporary Easements

TOTAL REQUESTED: \$75,000

PURPOSE: To appropriate funds to retain an appraiser and provide compensation for permanent and temporary easements for the Downtown HPP Project.

FINANCE COMMITTEE ACTION

Meeting Date: **Vote:**

Recommended Amount: \$

MOTION

Be It Moved and Voted by the Town Council that the sum of Seventy-five thousand dollars (\$75,000) be appropriated from Free Cash to retain an appraiser and provide compensation for permanent and temporary easements for the Downtown HPP Project.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

A True Record Attest:

Deborah L. Pellegrini
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council



TOWN OF FRANKLIN

RESOLUTION NO.: 13-40

APPROPRIATION: 37 Beaver Street

TOTAL REQUESTED: \$150,000

PURPOSE: To appropriate funds for the purchase and demolition of 37 Beaver Street to be used as a parking lot for the Senior Center

FINANCE COMMITTEE ACTION

Meeting Date: **Vote:**

Recommended Amount: \$

MOTION

Be It Moved and Voted by the Town Council that the sum of One hundred and Fifty thousand dollars (\$150,000) be appropriated from Free Cash to fund the purchase and demolition of 37 Beaver Street to be used as a parking lot for the Senior Center.

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

RESOLUTION NO.: 13-41

APPROPRIATION: Fire Department Salaries

TOTAL REQUESTED: \$ 100,000

PURPOSE: To transfer transfer/appropriate funds from Employee Benefits-Encumbrance (FY12 Contract Settlement Resolution 12-26) Account 01910800-570000 to fund the Fire Department FY 13 salaries

FINANCE COMMITTEE ACTION

Meeting Date: 6/4/13 **Vote:**

Recommended Amount: 100,000

MOTION

Be It Moved and Voted by the Town Council that the sum of One hundred thousand dollars (\$100,000) be transferred /appropriated, as outlined above, to fund the FY 2013 Fire Department Salaries, account number 01220100.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

A True Record Attest:

ABSTAIN _____

ABSENT _____

Deborah L. Pellegrini
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council



TOWN OF FRANKLIN

RESOLUTION NO.: 13-42

APPROPRIATION: Capital FY 2013

TOTAL REQUESTED: \$ 162,000

PURPOSE: To transfer/appropriate funds for the 2013 Capital Improvement Plan:

Fire	Equipment	\$ 50,000
Police	Vehicle/Equipment	\$ 38,000
Library	Equipment/Technology	\$ 24,000
School	Equipment/Technology	\$ 50,000

FINANCE COMMITTEE ACTION

Meeting Date: 6/4/13 **Vote:**

Recommended Amount: \$ 162,000

MOTION

Be It Moved and Voted by the Town Council that the sum of One hundred and Sixty-two thousand dollars (\$162,000) be transferred/appropriated from Free Cash to be expended at the discretion of the Town Administrator for the FY 2013 Capital Improvement Plan as outlined above.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

A True Record Attest:

ABSTAIN _____

ABSENT _____

Deborah L. Pellegrini
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council



TOWN OF FRANKLIN

RESOLUTION NO.: 13-43

APPROPRIATION: Other Post- Employment Benefits Stabilization Fund

AMOUNT REQUESTED: \$ 298,000

PURPOSE: To transfer funds from the FY 14 General Fund Appropriation (Line item 01910200-517195 - \$200,000); from the FY 14 Sewer Enterprise (Line item 65440200-517195 - \$32,000); and from FY 14 Water Enterprise Fund (Line item 60450200-517195 - \$66,000), to the Other Post-Employment Benefits Stabilization Fund.

FINANCE COMMITTEE ACTION

Meeting Date: 6/4/13 **Vote:**

Recommended Amount: \$ 298,000.00

MOTION

Be It Moved and Voted by the Town Council to transfer Two hundred and Ninety-eight thousand dollars (\$298,000.00), as outlined above, to the Other Post-Employment Benefits Stabilization Fund.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

A True Record Attest:

Deborah L. Pellegrini
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council



TOWN OF FRANKLIN

RESOLUTION NO.: 13-44

APPROPRIATION: Senior Center Capital Improvement Stabilization Fund

AMOUNT REQUESTED: \$ 200,000

PURPOSE: To transfer funds from Free Cash to the Senior Center Capital Improvement Stabilization Fund.

FINANCE COMMITTEE ACTION

Meeting Date: 6/4/13 **Vote:**

Recommended Amount: \$ 200,000.00

MOTION

Be It Moved and Voted by the Town Council to transfer Two hundred thousand dollars (\$200,000.00) from Free Cash to the Senior Center Capital Improvement Stabilization Fund.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

A True Record Attest:

ABSTAIN _____

ABSENT _____

Deborah L. Pellegrini
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council



TOWN OF FRANKLIN

RESOLUTION NO.: 13-45

APPROPRIATION: Fire Truck Stabilization Fund

AMOUNT REQUESTED: \$ 100,000

PURPOSE: To transfer funds from Free Cash to the Fire Truck Stabilization Fund.

FINANCE COMMITTEE ACTION

Meeting Date: 6/4/13 **Vote:**

Recommended Amount: \$ 100,000.00

MOTION

Be It Moved and Voted by the Town Council to transfer One hundred thousand dollars (\$100,000.00) from Free Cash to the Fire Truck Stabilization Fund.

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

RESOLUTION NO.: 13-46

APPROPRIATION: Athletic Fields Capital Improvement Stabilization Fund

AMOUNT REQUESTED: \$ 200,000

PURPOSE: To transfer funds from Free Cash to the Athletic Fields Capital Improvement Stabilization Fund.

FINANCE COMMITTEE ACTION

Meeting Date: 6/4/13 Vote:

Recommended Amount: \$ 200,000.00

MOTION

Be It Moved and Voted by the Town Council to transfer Two hundred thousand dollars (\$200,000.00) from Free Cash to the Athletic Fields Capital Improvement Stabilization Fund.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

YES _____ NO _____

A True Record Attest:

ABSTAIN _____

ABSENT _____

**Deborah L. Pellegrini
Town Clerk**

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



TOWN OF FRANKLIN

RESOLUTION NO.: 13-47

APPROPRIATION: Operating Budget Stabilization Fund

AMOUNT REQUESTED: \$ 225,000

PURPOSE: To transfer funds from Free Cash to the Operating Budget Stabilization Fund.

FINANCE COMMITTEE ACTION

Meeting Date: 6/4/13 **Vote:**

Recommended Amount: \$ 225,000.00

MOTION

Be It Moved and Voted by the Town Council to Transfer Two hundred Twenty-five thousand dollars (\$225,000.00) from Free Cash to the Operating Budget Stabilization Fund.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

A True Record Attest:

ABSTAIN _____

ABSENT _____

Deborah L. Pellegrini
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council



TOWN OF FRANKLIN

RESOLUTION NO.: 13-48

APPROPRIATION: Other Post Employment Benefits Stabilization Fund

AMOUNT REQUESTED: \$ 150,000

PURPOSE: To transfer \$150,000 from Free Cash to the Other Post-Employment Benefits Stabilization Fund.

FINANCE COMMITTEE ACTION

Meeting Date: 6/4/13 **Vote:**

Recommended Amount: \$ 150,000.00

MOTION

Be It Moved and Voted by the Town Council to transfer One hundred Fifty thousand dollars (\$150,000.00), from Free Cash to the Other Post-Employment Benefits Stabilization Fund.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

A True Record Attest:

ABSTAIN _____

ABSENT _____

Deborah L. Pellegrini
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council



TOWN OF FRANKLIN

RESOLUTION NO.: 13-49

APPROPRIATION: Other Post-Employment Benefits Stabilization Fund

AMOUNT REQUESTED: \$ 100,000

PURPOSE: To transfer funds from the FY 13 General Fund Appropriation (Line item 01910200-517195 - \$100,000) to the Other Post-Employment Benefits Stabilization Fund

FINANCE COMMITTEE ACTION

Meeting Date: 6/4/13 **Vote:**

Recommended Amount: \$ 100,000.00

MOTION

Be It Moved and Voted by the Town Council to transfer One hundred thousand dollars (\$100,000.00), as outlined above, to the Other Post-Employment Benefits Stabilization Fund.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

A True Record Attest:

Deborah L. Pellegri
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council



TOWN OF FRANKLIN

BYLAW AMENDMENT 13-713

Chapter 25, Personnel Regulations, Appendix A – Classification Plan and Appendix B –Pay Schedules

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN – Chapter 25, Personnel Regulations, Appendix A & Appendix B.

BE IT ENACTED by the Town Council that Chapter 25, Personnel Regulations, Appendix A - Personnel Classification Plan and Appendix B - Compensation Plan Pay Schedules, Schedule N - Nonunion Employees are hereby amended

Classification Plan		Compensation Plan			Compensation Plan		
		FY13			FY14		
	Position Title	Min	Mid	Max	Min	Mid	Max
G1	Library Page						
	Gate Guard						
	Poll Worker						
	Concession Stand Sales Person	\$9.07	\$10.73	\$12.38	\$9.25	\$10.95	\$12.63
	Referee						
		\$16,602	\$19,022	\$22,643	\$16,934	\$20,015	\$23,096
G2	Seasonal Labor,						
	Arts/Crafts Instructor						
	Camp/Program Counselor						
	Life Guard						
	Cook	\$9.94	\$11.73	\$13.52	\$10.14	\$11.96	\$13.79
	Supportive Day Program Assistant						
		\$18,123	\$21,415	\$24,707	\$18,485.2	\$21,843.3	\$25,201.4
G3	(Life Guard) Instructor	\$10.87	\$12.81	\$14.77	\$11.09	\$13.07	\$15.07
		\$19,806	\$23,399	\$26,993	\$20,202	\$23,867	\$27,533
G4	Office Assistant I	\$11.80	\$13.96	\$16.12	\$12.03	\$14.24	\$16.44
		\$21,628	\$25,551	\$29,475	\$22,060	\$26,062	\$30,065
G5	Matron,						
	Senior Camp/Program Counselor	\$12.92	\$15.26	\$17.61	\$13.17	\$15.57	\$17.96
	Office Assistant II						
		\$23,616	\$27,897	\$32,178	\$24,088	\$28,455	\$32,822
G6	Office Assistant III,						
	Senior Supervisor,						
	Dispatcher Part Time,						
	Head Life Guard,						
	Camp/Program Director	\$14.09	\$16.66	\$19.23	\$14.37	\$16.99	\$19.61
	Program Supervisor,						
	Outreach Coordinator,						
	PT Bus Driver,						
	Facilities Technician						
	Managing Cook	\$25,766	\$30,448	\$35,130	\$26,281	\$31,057	\$35,833
G7	Engineering Aide,						
	Van/Bus Driver,	\$15.40	\$18.20	\$20.99	\$15.71	\$18.56	\$21.41
	Program Coordinator						
		\$28,152	\$33,261	\$38,369	\$28,715	\$33,926	\$39,137
G8	Secretary	\$16.84	\$19.89	\$22.94	\$17.18	\$20.29	\$23.39
		\$30,748	\$36,324	\$41,900	\$31,363	\$37,050	\$42,738
G9	Executive Secretary	\$18.38	\$21.71	\$25.04	\$18.75	\$22.14	\$25.54
		\$33,574	\$39,669	\$45,765	\$34,246	\$40,463	\$46,680

G10	Supportive Day Care Coordinator Licensing Administrator, Web Master, Information Specialist, Senior Engineering Aide Veteran's Services Officer Program Coordinator	\$36,668	\$43,326	\$49,983	\$37,402	\$44,192	\$50,983
		\$21.92	\$25.90	\$29.88	\$22.35	\$26.41	\$30.47
G11	DPW Inspector, Construction Inspector	\$40,040	\$47,312	\$54,583	\$40,841	\$48,258	\$55,675
		\$23.88	\$28.25	\$32.62	\$24.35	\$28.81	\$33.27
G12	Assistant Town Clerk, Administrative Assistant, Office Manager, Human Resources Administrator, Payroll Administrator Health Agent Nurse	\$43,624	\$51,612	\$59,600	\$44,496	\$52,644	\$60,792
		\$26.13	\$30.88	\$35.62	\$26.65	\$31.50	\$36.34
G13	Assistant to Town Administrator, Assistant Library Director, Assistant Collector/Treasurer, Assistant Comptroller, Appraiser, Planner I, Solid Waste Coordinator Nurse	\$47,742	\$56,414	\$65,086	\$48,697	\$57,542	\$66,388

G14	Director Council on Aging, Conservation Agent, Assistant Highway Superintendent, Senior Inspector, Senior Appraiser, Engineering Assistant, Planner II, Environmental Affairs Specialist, System Specialist: GIS Administrator, Public Works Management AnalystCommunications Administrator Database Administrator	\$52,133	\$61,606	\$71,078	\$53,176	\$62,838	\$72,500
G15	Purchasing Agent, Assistant Water/Sewer Superintendent,	\$58,109	\$67,864	\$77,619	\$59,272	\$69,221	\$79,171
G16	Highway Superintendent, Parks and Ground Superintendent Recreation Director, Director of Assessing Manager of Public Facilities	\$62,170	\$73,463	\$84,757	\$63,413	\$74,933	\$86,452
G17	Building Commissioner, Library Director, Health Director, Director, Planning and Community Dev., Water/Sewer Superintendent Assistant Town Engineer	\$67,883	\$80,218	\$92,552	\$69,241	\$81,822	\$94,403
G18	Comptroller, Human Resources Director Police Lieutenant	\$74,138	\$87,604	\$101,070	\$75,620	\$89,356	\$103,092
G19	Town Engineer DeputyDirector/Operation s, Director of Public Facilities Operations Deputy Police Chief * Deputy Fire Chief**	\$80,956	\$95,663	\$110,369	\$82,575	\$97,576	\$112,577
G20	Police Chief* Fire Chief, DPW Director, Town Solicitor	\$88,404	\$104,461	\$120,518	\$90,172	\$106,550	\$122,928

* Police Chief, Deputy Police Chief , Police Lieutenant salaries do not include Educational Incentive.
**Deputy Fire Chief salary does not include EMT stipend.

This bylaw amendment shall become effective July 1, 2013 and in accordance with the provisions of the Franklin Home Rule Charter.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Deborah L. Pellegrini
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

Classification Plan		Compensation Plan			Compensation Plan		
		FY13			FY14		
	Position Title	Min	Mid	Max	Min	Mid	Max
G1	Library Page Gate Guard Poll Worker Concession Stand Sales Person Referee	\$9.07	\$10.73	\$12.38	\$9.25	\$10.95	\$12.63
		\$16,602	\$19,622	\$22,643	\$16,934	\$20,015	\$23,096
G2	Seasonal Labor, Arts/Crafts Instructors Camp/Program Counselor Life Guard Cook Supportive Day Program Assistant	\$9.94	\$11.73	\$13.52	\$10.14	\$11.96	\$13.79
		\$18,123	\$21,415	\$24,707	\$18,485.2	\$21,843.3	\$25,201.4
G3	(Life Guard) Instructor	\$10.87	\$12.81	\$14.77	\$11.09	\$13.07	\$15.07
		\$19,806	\$23,399	\$26,993	\$20,202	\$23,867	\$27,533
G4	Office Assistant I	\$11.80	\$13.96	\$16.12	\$12.03	\$14.24	\$16.44
		\$21,628	\$25,551	\$29,475	\$22,060	\$26,062	\$30,065
G5	Matron, Senior Camp/Program Counselor Office Assistant II	\$12.92	\$15.26	\$17.61	\$13.17	\$15.57	\$17.96
		\$23,616	\$27,897	\$32,178	\$24,088	\$28,455	\$32,822
G6	Office Assistant III, Senior Supervisor, Dispatcher Part Time, Head Life Guard, Camp/Program Director Program Supervisor, Outreach Coordinator, PT Bus Driver, Facilities Technician Managing Cook	\$14.09	\$16.66	\$19.23	\$14.37	\$16.99	\$19.61
		\$25,766	\$30,448	\$35,130	\$26,281	\$31,057	\$35,833
G7	Engineering Aide, Van/Bus Driver, Program Coordinator	\$15.40	\$18.20	\$20.99	\$15.71	\$18.56	\$21.41
		\$28,152	\$33,261	\$38,369	\$28,715	\$33,926	\$39,137
G8	Secretary	\$16.84	\$19.89	\$22.94	\$17.18	\$20.29	\$23.39
		\$30,748	\$36,324	\$41,900	\$31,363	\$37,050	\$42,738
G9	Executive Secretary,	\$18.38	\$21.71	\$25.04	\$18.75	\$22.14	\$25.54
		\$33,574	\$39,669	\$45,765	\$34,246	\$40,463	\$46,680


G10	Supportive Day Care Coordinator Licensing Administrator, Web Master, Information Specialist, Senior Engineering Aide Veteran's Services Officer Program Coordinator	\$36,668	\$43,326	\$49,983	\$37,402	\$44,192	\$50,983
		\$21.92	\$25.90	\$29.88	\$22.35	\$26.41	\$30.47
G11	DPW Inspector, Construction Inspector	\$40,040	\$47,312	\$54,583	\$40,841	\$48,258	\$55,675
		\$23.88	\$28.25	\$32.62	\$24.35	\$28.81	\$33.27
G12	Assistant Town Clerk, Administrative Assistant, Office Manager, Human Resources Administrator, Payroll Administrator Health Agent Nurse	\$43,624	\$51,612	\$59,600	\$44,496	\$52,644	\$60,792
		\$26.13	\$30.88	\$35.62	\$26.65	\$31.50	\$36.34
G13	Assistant to Town Administrator, Assistant Library Director, Assistant Collector/Treasurer, Assistant Comptroller, Appraiser, Planner I, Solid Waste Coordinator Nurse	\$47,742	\$56,414	\$65,086	\$48,697	\$57,542	\$66,388

G14	Director Council on Aging, Conservation Agent, Assistant Highway Superintendent, Senior Inspector, Senior Appraiser, Engineering Assistant, Planner II, Environmental Affairs Specialist, System Specialist: GIS Administrator, Public Works Management AnalystCommunications Administrator Database Administrator	\$52,133	\$61,606	\$71,078	\$53,176	\$62,838	\$72,500
G15	Purchasing Agent, Assistant Water/Sewer Superintendent,	\$58,109	\$67,864	\$77,619	\$59,272	\$69,221	\$79,171
G16	Highway Superintendent, Parks and Ground Superintendent Recreation Director, Director of Assessing Manager of Public Facilities	\$62,170	\$73,463	\$84,757	\$63,413	\$74,933	\$86,452
G17	Building Commissioner, Library Director, Health Director, Director, Planning and Community Dev., Water/Sewer Superintendent Assistant Town Engineer	\$67,883	\$80,218	\$92,552	\$69,241	\$81,822	\$94,403
G18	Comptroller, Human Resources Director Police Lieutenant	\$74,138	\$87,604	\$101,070	\$75,620	\$89,356	\$103,092
G19	Town Engineer DeputyDirector/Operation s, Director of Public Facilities Operations Deputy Police Chief * Deputy Fire Chief**	\$80,956	\$95,663	\$110,369	\$82,575	\$97,576	\$112,577
G20	Police Chief* Fire Chief, DPW Director, Town Solicitor	\$88,404	\$104,461	\$120,518	\$90,172	\$106,550	\$122,928

* Police Chief, Deputy Police Chief , Police Lieutenant salaries do not include Educational Incentive.

**Deputy Fire Chief salary does not include EMT stipend.



TO: Jeffrey Nutting, Town Administrator
FROM: Stephanie Lutz, Human Resources 
DATE: April 30, 2013
SUBJECT: Recommended Modification to Compensation Plan – Non-Union Positions

The recommendation DOES NOT result in any changes in compensation for any employees.

A. The Basic Grade Structure.

The Human Resources Management By-Law 25- Section 8 states “From time to time the Human Resources Director will review the compensation plan, which establishes minimum and maximum salaries for pay ranges. This compensation plan shall be submitted to the Town Council for approval prior to implementation.”

The Compensation Plan was last adjusted in July 2012 for FY13. This was the first adjustment since FY10 because of serious fiscal conditions with Town financial conditions.

Sound compensation practice includes numerous factors in a recommendation for a nonunion salary range plan.

- Actions by other municipalities: Communities are providing 1.5% to 3% increases, mixed with an occasional 0% increase in collective bargaining agreements. The average most frequently reported increase by similar communities for FY14 is 2%.
- Prior Year Actions: In FY13 the Town of Franklin raised the minimum of Non-Union Structure by 3.0% and the maximum by 3.0%.

- Union employees of the Municipal Workforce have their pay ranges and pay increases determined by collective bargaining agreements.
 - In FY13 unions received 1.5% increases.
 - Eight municipal contracts have been settled with wage agreements of FY13 1.5%, FY14 2%, and FY15 2.5%.
- The CPI-U Boston Area March 2012 to February 2013 1.5%

While the ranges were adjusted in FY13 it had been four fiscal years since the compensation plan was modified. During that time the municipal compensation market inched upward modestly each year. While recent recruiting has ultimately been successful, we find that our ranges have lost their competitive position.

The compensation plan is best reviewed independently of the need to recruit and separate from job and salary offers.

Recommendation: Increase the minimums and maximums of ranges by 2.0%. While this modestly exceeds the CPI, it mirrors municipal marketplace increases, and will keep our ranges from further falling behind in their competitive position for professional and managerial positions.

Again, this recommendation DOES NOT result in any changes in compensation for any employees. It provides competitive pay ranges for future recruiting and promotions.

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

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 13-716**

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 ~~deleting~~ and adding the following into §185-3 Definition in alphabetical order:

~~LOT AREA—The horizontal area of the lot, exclusive of any area in a street or recorded way open or proposed to be open to public use. For lots created subsequent to the adoption of this provision, at least 90% of the "lot area" required for zoning compliance shall be land other than that under any body of water, including watercourses, or any bog, swamp, wet meadow or marsh, as defined in MGL c. 131, § 40.~~

~~[Added 11-26-1985 by Bylaw Amendment 85-57]~~

LOT AREA -The total area within the lot lines of a lot, excluding any street right-of-way.

WETLAND – See term “freshwater wetlands” as defined in MGL c. 131, § 40.

UPLAND – Any non-wetland area.

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

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

**Deborah L. Pellegrini
Town Clerk**

ABSENT _____

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

Sponsor: *Department of Planning and
Community Development*

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 13-717

**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		<u>Maximum Impervious Coverage of Existing Upland</u>	
	Area	Continuous Frontage	Depth	Lot Width (minimum	Front	Side	Rear	Stories	Feet	Structures	Structures Plus Paving ³
	(square feet)	(feet)	(feet)	circle diameter)	(feet)	(feet)	(feet)				
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	100
Commercial II	40,000	175	200	157.5	40	30	30	3	40	70 50	80 60
Business	20,000	125	160	112.5	40	20	30	3	40	70 50	80 60
Industrial	40,000	175	200	157.5	40	30 ⁵	30 ⁵	3 ⁶	-	70 50	80 60
Limited Industrial	40,000	175	200	157.5	40	30 ⁸	30 ⁸	3 ⁶	40 ⁶	70 50	80 60
Office	40,000	100	100	90	20	30 ⁷	30 ⁷	3 ⁶	40 ⁶	70 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** _____

ABSTAIN _____

Deborah L. Pellegrini
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk



Planning Board

355 East Central Street
Franklin, Massachusetts 02038-1352

May 7, 2013

Deborah L. Pellegrini, Town Clerk
Town of Franklin
355 East Central Street
Franklin, MA 02038

2013 MAY -8 PM 4:47
RECEIVED
TOWN OF FRANKLIN
TOWN CLERK

CERTIFICATE OF VOTE

- 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

Petitioner: Town of Franklin, Department of Planning and Community Development


Dear Mrs. Pellegrini:

Please be advised that at its meeting on Monday, May 7, 2013 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to close both the public hearing and withdraw without prejudice, Zoning Bylaw Amendments #13-701: §185-3. Definitions and #13-704: §185. Attachment 9 Schedule of Lot, Area, Frontage, Yard and Height Requirements. The Chairman noted that the withdrawn Zoning Bylaw Amendments would be re-advertised with revised information and a new Public Hearing would be held on June 3, 2013 at 7:15 PM.

The Planning Board also voted, upon motion duly made and seconded, (5-0-0) to continue the Public Hearings for Zoning Bylaw Amendments #13-702: §185-36. Impervious Surfaces and #13-703: §185-40. Water Resource District until Monday, June 3, 2013 at 7:15 PM.

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

Sincerely,



Anthony Padula, Chairman

cc: Town Council
Town Administrator

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

TO: TOWN COUNCIL
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: IMPERVIOUS SURFACES AND WATER RESOURCES BYLAW AMENDMENTS
CC: JEFF NUTTING, TOWN ADMINISTRATOR, ECONOMIC DEVELOPMENT COMMITTEE
DATE: MAY 9, 2013

At the Planning Board meeting on April 22, 2013, the Department of Planning and Community Development (DPCD) was asked to make revisions to the definition of Upland proposed in Zoning Bylaw Amendment 13-701: §185-3. Definitions. DPCD revised the definition of upland as requested and also created definitions for wetland and lot area. In addition, DPCD revised Zoning Bylaw Amendment 13-704: Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirement.

Changes to the two above-mentioned proposed zoning bylaw amendments were made in order to further clarify related regulations. By creating new definitions and expanding Attachment 9, the scope of the proposed zoning bylaw amendments were expanded beyond how the proposed amendments were originally advertised, and therefore the Town needs to re-advertise the proposed zoning bylaw amendments.

For this reason DPCD asks Town Council to take the necessary steps to remove the following Zoning Bylaw Amendments from the Town Council Public Hearing process.

- 13-701: §185-3. Definitions.
- 13-704: §185. Attachment 9 Schedule of Lot, Area, Frontage, Yard and Height Requirements.

Submitted in place of the above mentioned amendments for your review and consideration are the following attached Zoning Bylaw Amendments:

- 13-716: §185-3. Definitions.
- 13-717: §185. Attachment 9 Schedule of Lot, Area, Frontage, Yard and Height Requirements.

There have been no substantial changes to Zoning Bylaw Amendments 13-702 and 13-703. For that reason DPCD requests Town Council continue the Public Hearing for these two proposed zoning bylaw amendments until the new definitions (13-716) and use table (13-717) can be reviewed by the Franklin Planning Board at a June 6, 2013 public hearing, and referred back to the Town Council.

Sponsor: *Department of Planning and
Community Development*

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 13-714

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 addition, added into §185-3 Definitions in alphabetical order:

ANAEROBIC DIGESTER - A structure or series of structures where a biological process, anaerobic digestion, breaks down or “digests” organic waste materials in the absence of oxygen, and through utilization of separators, biogas recovery systems and other processes, produces digestate and biogas, which are further processed for production of soil amendment, fertilizer, electric energy, pipeline quality natural gas, and similar commercial products.

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. Pellegri
Town Clerk**

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

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

TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 13-715

Changes to §185-7 Compliance required.

**A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 7 OF THE CODE OF THE
TOWN OF FRANKLIN**

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 §185-7. Compliance required:

TOWN OF FRANKLIN													
USE REGULATIONS SCHEDULE													
PART III													
[Amended 1-28-1986 by Bylaw Amendment 85-60; 3-25-1987 by Bylaw Amendment 87-91; 11-3-1993 by Bylaw Amendment 93-245; 3-2-1994 by Bylaw Amendment 93-251; 7-11-2001 by Bylaw Amendment 01-468; 10-2-2002 Bylaw Amendment 02-507; 6-11-2003 by Bylaw Amendment 03-511; 12-17-2003 by Bylaw Amendment 03-532]													
Symbols in the Use Regulations Schedule shall mean the following:													
Y= A permitted use.													
N = An excluded or prohibited use.													
BA = A use authorized under special permit from the Board of Appeals.													
PB = A use authorized under special permit from the Planning Board.													
P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.													
	RRI	RRII											
Principal Uses	RVI	SFRIII	SFRIV	GRV	NC	CI	CII	DC	B	I	LI	O	
3. Industrial, utility													
3.1 Bus, railroad station	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP
3.2 Contractor's yard													
a. Landscape materials storage and distribution	N	N	N	N	N	N	N	N	N ⁷	P/SP	N	N	
b. Other	N	N	N	N	N	N	N	N	N ⁷	P/SP	N	N	
3.3 Earth removal													
a. Earth removal, commercial ^{3,5,6}	N	N	N	N	N	BA	BA	N	BA	BA	BA	BA	BA
b. Earth removal, other ^{3,4}	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
c. Rock quarrying	N	N	N	N	N	N	N	N	N	N	N	N	N
d. Washing, sorting and/or crushing or processing of materials	N	N	N	N	N	N	N	N	N	N	N	N	
e. Production of concrete	N	N	N	N	N	N	N	N	N	N	N	N	N
f. Production of bituminous concrete	N	N	N	N	N	N	N	N	N	N	N	N	N
3.4 Lumberyard	N	N	N	N	N	N	N	N	N	PB	N	N	
3.5 Manufacturing and Processing:													
a. Biotechnology ¹	N	N	N	N	N	N	N	N	N	Y ²	N	Y ²	
b. Light	N	N	N	N	N	PB	PB	PB	PB	P/SP	N	PB	
c. Medium	N	N	N	N	N	N	N	N	N	P/SP	N	N	
d. Heavy	N	N	N	N	N	N	N	N	N	N	N	N	
3.6 Printing, publishing:													
a. Under 5,000 square feet	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	P/SP	N ⁴	P/SP	
b. Over 5,000 square feet	N	N	N	N	N	N	N	N	P/SP	P/SP	N	PB	
3.7 Public utility	P/SP	P/SP	P/SP	P/SP	N	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP
a. Electric power plant	N	N	N	N	N	N	N	N	N	BA	N	N	
3.8 Research and development:													
a. Biotechnology ¹	N	N	N	N	N	N	N	N	N	Y ²	N	Y ²	
b. Others	N	N	N	N	N	N	N	N	P/SP	P/SP	N	P/SP	
3.9 Solid waste facility	N	N	N	N	N	N	N	N	N	BA	N	N	
3.10 Anaerobic digester	N	N	N	N	N	N	N	N	N	N	N	Y	
3.10 Warehouse, distribution facility	N	N	N	N	N	N	N	N	PB	Y	N	N²	
3.11 Wholesale office, salesroom:													
a. With storage	N	N	N	N	N	N	P/SP	N	P/SP	P/SP	N	N ²	
b. Without storage	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	Y	N ²	N ²	
3.12 Conference center	N	N	N	N	N	N	PB	N	PB	PB	P/SP	PB	
3.11 Warehouse, distribution facility	N	N	N</										

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 OF FRANKLIN
ZONING BY-LAW AMENDMENT 13-706
ADULT USE OVERLAY 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: ADULT USE OVERLAY
DISTRICT:**

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. Zoning Map:

That the Zoning Map of the Town of Franklin be amended by modifying the overlay
zoning district known as the Adult Use Overlay District. This overlay zoning district shall
consist of: 1. parcels of land zoned industrial, located south or west of the sideline of
Interstate 495; and 2. not located less than 200 feet from a residential zoning district,
school, library, church, child-care facility, park, playground, any establishment licensed
under the provisions of MGL c. 138, § 12, or another adult entertainment establishment.
The 200 feet shall be measured from all property lines of the proposed use.

This District is delineated on the map entitled “Adult Use Overlay Districts” and created
under 185-4 Districts Enumerated.

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 _____

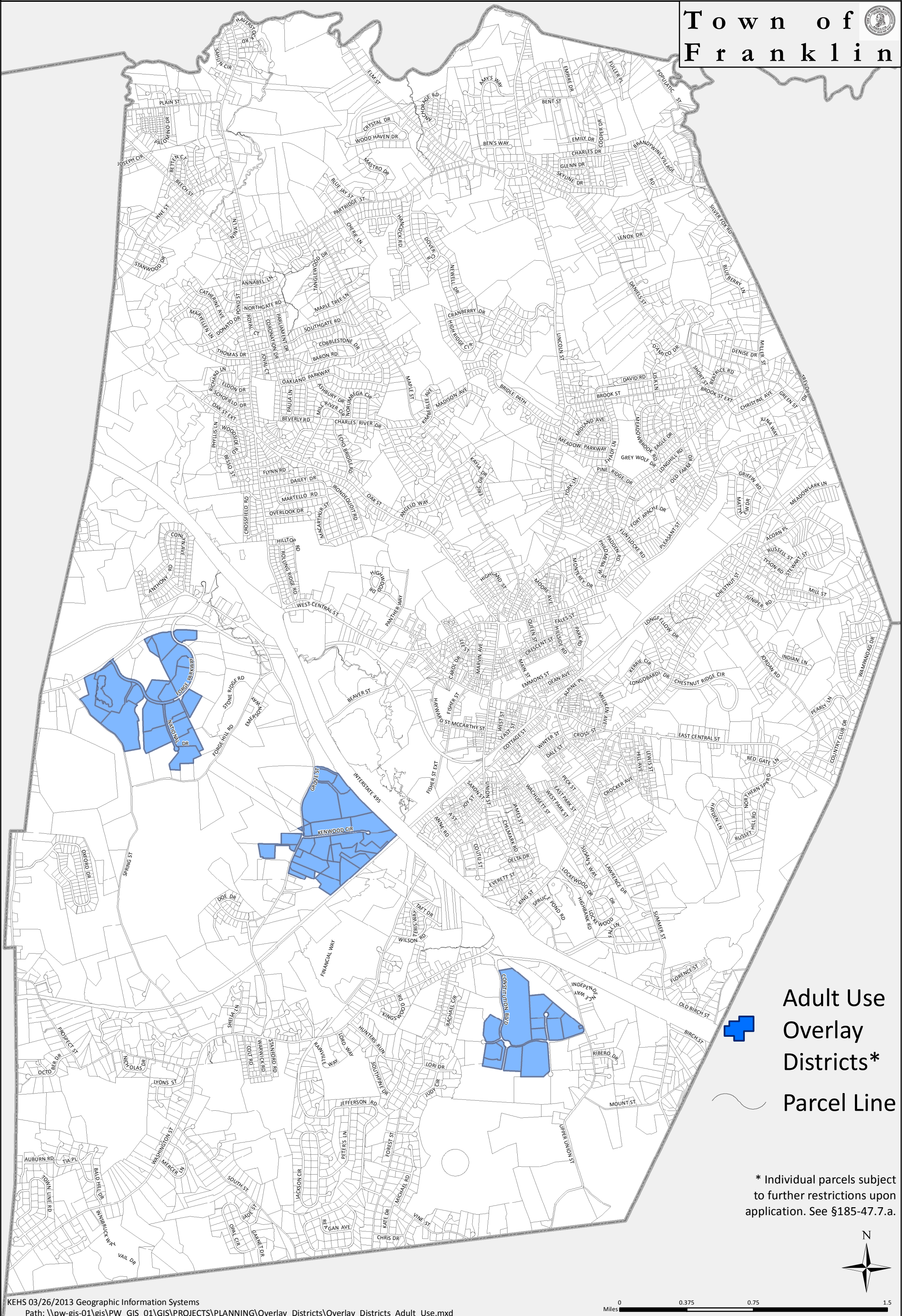
Deborah L. Pellegrini
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk

ADULT USE OVERLAY DISTRICTS

Town of
Franklin



Adult Use
Overlay
Districts*
Parcel Line

* Individual parcels subject to further restrictions upon application. See §185-47.7.a.

SPONSOR:

*Department of Planning
and Community Development*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 13-707
ADULT ENTERTAINMENT ESTABLISHMENT DISTRICTS
A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, SECTION 47.**

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 in its place the following text at §185-47. Adult entertainment establishment districts:

§185-47. Adult entertainment establishment districts.

1. Purpose and intent.

It has been documented in numerous other towns and cities throughout the Commonwealth of Massachusetts and elsewhere in the United States that adult entertainment establishments are distinguishable from other business uses and that the location of adult entertainment uses degrades the quality of life in the areas of a community where they are located. Studies have shown secondary impacts such as increased levels of crime, decreased tax base and blight resulting from the clustering and concentration of adult entertainment uses. Late-night noise and traffic also increase due to the late hours of operation of many of these establishments. This section is enacted pursuant to MGL c. 40A, § 9 and the Home Rule Amendment to the Massachusetts Constitution with the purpose and intent of regulating and limiting the location of adult entertainment establishments (as defined herein) so as to prevent the secondary effects associated with these establishments, and to protect the health, safety and general welfare of the present and future inhabitants of the Town of Franklin.

The provisions of this §185-47 have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the intent or effect of this §185-47 to restrict or deny access by adults to sexually oriented matter or materials protected by the Constitution of the United States or of the Commonwealth of Massachusetts, nor restrict nor deny rights that distributors or exhibitors of such matter or materials may have to sell, distribute or exhibit such matter or materials. Nor is it the intent or effect of this §185-47 to legalize the distribution of obscene matter or materials.

2. Applicability.

This §185-47 applies to all adult entertainment establishments, as defined in MGL c. 40A, §9A.

3. Establishment of Adult Use Overlay District and relationship to underlying districts.
 - ~~a. The Adult Uses Overlay Districts are established as districts which overlay the underlying districts, so that any parcel of land lying in an Adult Use Overlay District shall also lie in one or more of the other zoning districts in which it was previously classified, as provided for in this Zoning Bylaw.~~
 - a. Adult use overlay district consists of those parcels of land zoned industrial, located south or west of the sideline of Interstate 495. This District is delineated on the map entitled "Adult Use Overlay Districts" and created under 185-4 Districts Enumerated.
 - b. The Adult Uses Overlay Districts are established as districts which overlay the underlying districts, so that any parcel of land lying in an Adult Use Overlay District shall also lie in one or more of the other zoning districts in which it was previously classified, as provided for in this Zoning Bylaw.
 - ~~b. An area of land may be placed within an Adult Uses Overlay District by vote of at least two-thirds of all members of the Town Council.~~
4. Permitted uses.

All uses permissible and as regulated within the underlying district.
5. Special permit uses.

The following uses shall require a special permit from the Planning Board:

 - a. Adult bookstore.
 - b. Adult video store.
 - c. Adult paraphernalia store.
 - d. Adult motion-picture theater.
 - e. Adult live entertainment establishment.

These uses shall be known as "adult entertainment establishments."
6. Special permit submittal requirements.

In addition to the submittal requirements for site plan approval as detailed in §185-31, and special permit submittal requirements as detailed in § 185-45, special permit applications for approval under this § 185-47 shall contain the following additional information:

 - a. Name and address of the legal owner of the establishment.
 - b. The total number of employees.
 - c. Proposed security precautions.
 - d. The external and internal physical layout of the premises.
 - e. Full description of the intended nature of the business.

7. Special permit standards for adult uses.

No special permit may be granted by the Planning Board for an adult bookstore, adult video store, adult paraphernalia store, adult motion-picture theater or adult live entertainment establishment (adult entertainment establishments) unless the following conditions are satisfied:

a. Location conditions: [Amended 8-6-2008 by Bylaw Amendment 08-616]

No adult entertainment establishment may be located less than 200 feet from a residential zoning district, school, library, church, child-care facility, park, playground, any establishment licensed under the provisions of MGL c. 138, § 12, or another adult entertainment establishment. The 200 feet shall be measured from all property lines of the proposed use.

b. Display conditions:

No signs, graphics, pictures, publications, videotapes, movies, covers or other implements, items or advertising, that fall within the definition of Adult Bookstore, Adult Video Store, Adult Paraphernalia Store, Adult Motion-Picture Theater or Adult Live Entertainment Establishment merchandise shall be displayed in the windows of, or on the building of, any Adult Entertainment Establishment, or be visible to the public from the pedestrian sidewalks or walkways or from other areas, public or semipublic, outside such establishments.

c. Screening.

All building openings, entries and windows shall be screened in such a manner as to prevent visual access of the public to the interior of the Adult Entertainment Establishment.

d. Additional setbacks.

The proposed use and all associated advertising signs shall not be located within 50 feet of a public or private way and must be set back a minimum of 50 linear feet from all property lines.

e. Applicant conditions.

No special permit shall be issued to any person convicted of violating the provisions of MGL c. 119, § 63, or MGL c. 272, § 28.

8. Conditions of approval.

a. A special permit issued under this § 185-47 shall lapse upon any one of the following occurrences:

- 1) There is a change in the location of the adult use;
- 2) There is a sale, transfer or assignment of the business or the license;
- 3) There is any change in ownership or management of the applicant.

b. Any special permit granted under this section shall lapse in accordance with the reasons for the same under § 185-31.

9. Severability.

If any section or portion of this section is ruled invalid, such ruling shall not affect the validity of the remainder of the section.

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



Planning Board

355 East Central Street
Franklin, Massachusetts 02038-1352

2013 MAY -8 PM 4:47
TOWN OF FRANKLIN
RECEIVED

May 7, 2013

Deborah L. Pellegrini, Town Clerk
Town of Franklin
355 East Central Street
Franklin, MA 02038

CERTIFICATE OF VOTE

13-706: §185-5, Zoning Map: Adult Use Overlay District
13-707: §185-47: Adult Entertainment Establishment Districts

Petitioner: Town of Franklin, Department of Planning and Community Development

Dear Mrs. Pellegrini:

Please be advised that at its meeting on Monday, May 7, 2013 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to *RECOMMEND, as presented*, to the Town Council the adoption of Zoning By-law Amendments #13-706: §185-5, Zoning Map: Adult Use Overlay District and #13-707: §185-47: Adult Entertainment Establishment

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

Sincerely,

Anthony Padula
Chairman

cc: Town Council
Town Administrator

Sponsor: *Department of Planning and
Community Development*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 13-708**

Changes to §185-3. Definitions

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

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 Definitions in alphabetical order:

MEDICAL MARIJUANA TESTING FACILITY – a research and testing facility licensed or otherwise approved by Commonwealth of Massachusetts Department of Public Health.

MEDICAL MARIJUANA TREATMENT CENTER – as defined in the Session Laws of The Commonwealth of Massachusetts Chapter 369 of the Acts of 2012.

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

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 13-709
DISTRICTS ENUMERATED
Changes to § 185-4 Districts Enumerated**

**A ZONING BY-LAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN
AT CHAPTER 185, SECTION 4, DISTRICTS ENUMERATED, RE: MEDICAL
MARIJUANA USE OVERLAY DISTRICT**

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 §185-4. Districts Enumerated:

- B. ~~In addition, there are seven overlay districts: the Flood Hazard District as established in § 185-24, the Water Resource District as established in § 185-40, the Wireless Communications Services District as established in § 185-44, the Biotechnology Use District as established in § 185-42, the Adult Use Overlay District as established in § 185-47, the Senior Village Overlay District as established in § 185-48, and the Sign District Map established in § 185-20.~~
- B. In addition, there are eight overlay districts: the Flood Hazards District as established in §185-24, the Water Resource District as established in §185-40, the Wireless Communications Services District as established in §185-44, the Biotechnology Use Overlay District as established in §185-42, the Adult Use Overlay District as established in §185-47, the Senior Village Overlay District as established in §185-48, the Sign District Map as established in §185-20 and the Medical Marijuana Use Overlay District as established in §185-49.

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 OF FRANKLIN

ZONING BY-LAW AMENDMENT 13-710

MEDICAL MARIJUANA USE OVERLAY 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: MEDICAL MARIJUANA
USE OVERLAY DISTRICT.**

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. Zoning Map:

That the Zoning Map of the Town of Franklin be amended by creating an overlay zoning
district to be known as the Medical Marijuana Use Overlay District. The Medical
Marijuana Use Overlay District shall consist of those parcels of land zoned industrial that
are located south or west of the sideline of Interstate 495; and which are not within 200
feet of a residential zoning district, school, library, church, child-care facility, park, and
playground. The 200 feet shall be measured from all property lines of the proposed use;
State Forest land shall not be considered when determining the proximity of a parcel to a
residential zoning district.

This District is delineated on the map entitled “Medical Marijuana Use Overlay District”
and created under 185-4 Districts Enumerated.

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 _____

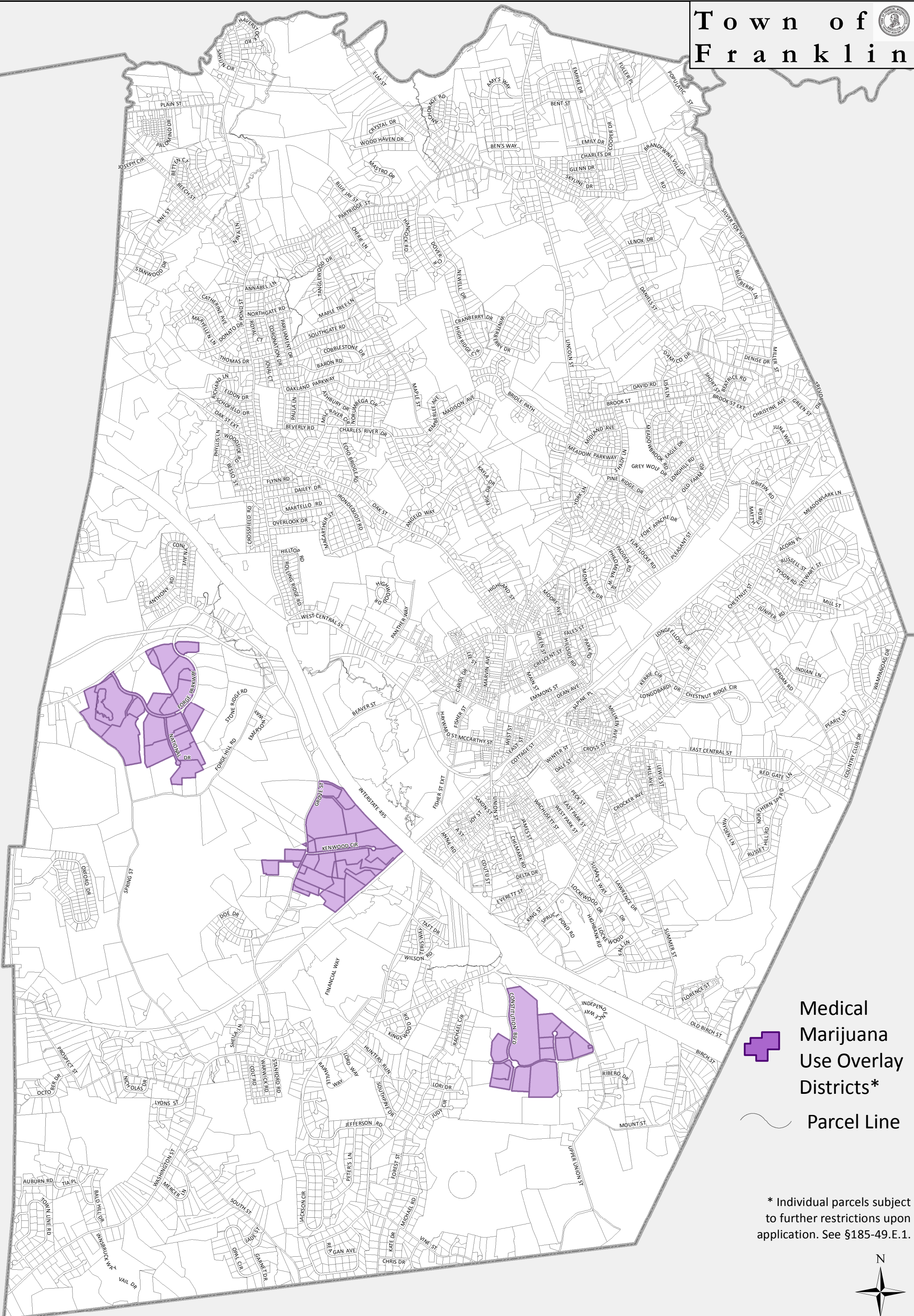
**Deborah L. Pellegri
Town Clerk**

ABSENT _____

Judith Pond Pfeffer, Clerk

MEDICAL MARIJUANA USE OVERLAY DISTRICTS

Town of
Franklin



Medical
Marijuana
Use Overlay
Districts*



Parcel Line

* Individual parcels subject
to further restrictions upon
application. See §185-49.E.1.



Sponsor: *Department of Planning and
Community Development*

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 13-711

Changes to §185-7 Compliance required.

**A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 7 OF THE CODE OF
THE TOWN OF FRANKLIN**

Note: Within this section, changes are shown in **Bold** type and appear as additions (**xvz**) 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 §185-7. Compliance required:

TOWN OF FRANKLIN
USE REGULATIONS SCHEDULE

PART IV

[Amended 3-25-1987 by Bylaw Amendment 87-91; 1-11-1999 by Bylaw Amendment 98-397-R; 7-11-2001 by Bylaw Amendment 01-468;
10-2-2002 by Bylaw Amendment 02-507; 6-11-2003 by Bylaw Amendment 03-511]

Symbols in the Use Regulations Schedule shall mean the following:

Y = A permitted use.

N = An excluded or prohibited use.

BA = A use authorized under special permit from the Board of Appeals.

PB = A use authorized under special permit from the Planning Board.

P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

Principal Uses	RRII RVI	SFRIII	SFRIV	GRV	NC	CI	CII	DC	B	I	LI	O
4. Institutional												
4.1 Cemetery	Y	Y	Y	N	N	N	N	N	N	N	N	N
4.2 Hospital	N	N	N	N	N	N	PB	N	PB	PB	N	N
a. <u>Medical Marijuana Treatment Facility</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y⁴</u>	<u>N</u>	<u>N</u>
b. <u>Medical Marijuana Testing Facility</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y⁴</u>	<u>N</u>	<u>N</u>
4.3 Charitable institution	N	N	N	PB	PB	Y	Y	PB	N	N	N	N
4.4 Correctional facility	N	N	N	N	N	N	N	N	N	BA	N	N
4.5 Library, museum, art gallery	N	Y	Y	Y	N	Y	Y	Y	Y	N	N	N
4.6 Lodge, social nonprofit	N	N	N	N	N	Y	Y	Y	Y	N	N	N
4.7 Public use	Y	Y	Y	Y	Y	Y	Y	Y	Y	N ³	N	N ³
a. Municipal public safety	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.8 Religious or educational use:												
a. Exempt from zoning prohibition ²	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
b. Dormitories	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N

NOTES:

1. But not including any use, the principal activity of which is one customarily conducted as a business.

2. See MGL c. 40A, § 3.

3. Except for municipal public safety.

4. Medical Marijuana Treatment Facilities and Testing Facilities are permitted in portions of the Industrial Zone which are in the Medical Marijuana Use Overlay District, see §185-49.

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 13-712

MEDICAL MARIJUANA USE OVERLAY DISTRICT

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, SECTION 49.**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by adding the following text at §185-49. Medical marijuana use overlay district:

§185-49. Medical marijuana use overlay district.

A. Purpose and Intent.

1. This section is adopted with the purpose and intent of establishing zoning to allow the use of medical marijuana treatment centers and medical marijuana testing facilities in the Town of Franklin.

B. Applicability.

1. This §185-49 applies to all medical marijuana uses as defined in the Session Laws of The Commonwealth of Massachusetts Chapter 369 of the Acts of 2012 and medical marijuana testing facilities as regulated within this section and defined in §185-3.
2. No action taken under the enforcement powers of this chapter shall be in contradiction to the provisions of Chapter 369 of the Acts of 2012 as adopted or amended.

C. Establishment of medical marijuana use overlay districts and relationship to underlying districts.

1. The medical marijuana use districts are established as districts which overlay the underlying districts, so that any parcel of land underlying in an medical marijuana use district shall also lie in one or more of the other zoning district in which it was previously classified, as provided for in this Zoning Bylaw.

D. Permitted uses.

1. Uses allowed by right. The following uses are allowed as of right within medical marijuana districts:

- (a) All uses permitted as of right in the underlying base zoning district.
- (b) Medical Marijuana Treatment Facility.
- (c) Medical Marijuana Testing Facility.

E. Location.

1. The medical marijuana use overlay district consists of those parcels of land zoned industrial that are located south or west of the sideline of Interstate 495; and which are not within 200 feet of a residential zoning district, school, library, church, child-care facility, park, and playground. The 200 feet shall be measured from all property lines of the proposed use; **State Forest land shall not be considered when determining the proximity of a parcel to a residential zoning district.**
2. This District is delineated on the map entitled “Medical Marijuana Use Overlay District” and created under 185-4 Districts Enumerated.

F. Severability

If any of this section or portion of this section is ruled invalid, such ruling shall not affect the validity of the remainder of the section.

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