



Meeting canceled due
to snow storm.
Rescheduled to Feb 12

FRANKLIN TOWN COUNCIL

February 5, 2014

7:00 PM

- A. APPROVAL OF MINUTES** - *January 22, 2014, Executive Session*
- 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**
- G. LICENSE TRANSACTIONS**
- H. PRESENTATIONS/DISCUSSIONS** – *Financial Forecast – Jeffrey Nutting*
- I. SUBCOMMITTEE REPORTS**
- J. LEGISLATION FOR ACTION**
 - 1. *Bylaw Amendment 14-727: Amendment to Chapter 47, Alcoholic Beverages – 2nd Reading*
 - 2. *Bylaw Amendment 14-729: Amendment to Chapter 179-9.1, Exhibit A, Water System Map – 2nd Reading*
 - 3. *Bylaw Amendment 14-730: Amendment to Chapter 139-14, Exhibit A, Sewer System Map – 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**

PRESENTATIONS
AND
DISCUSSIONS

1. FINANCIAL FORECAST – JEFFREY NUTTING

LEGISLATION

FOR

ACTION



Sponsor: Administration

**TOWN OF FRANKLIN
BYLAW AMENDMENT 14-727
CHAPTER 47, ALCOHOLIC BEVERAGES**

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 47.

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL that Chapter 47 of the Code of the Town of Franklin is amended by adding a new Section 47-22 as follows:

§47-22. Guidelines and Criteria to be Applied by Franklin Town Council in Determining Penalty to be Imposed Upon Alcohol Beverage Licenseholder for Violation.

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A. Guidelines for Compliance Check Violations:

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First Offense

Three to five-day suspension, one to three days to be served, with balance held in abeyance for two years.

Second Offense*

Five to seven-day suspension, three to five days to be served, with balance held in abeyance for three years.

Third Offense*

Seven to ten-day suspension, five to seven days to be served, with balance held in abeyance for five years.

***Any outstanding prior penalty held in abeyance shall be brought forward and served.**

All penalties shall be served, at Council's option, commencing on the day of the week of the violation.

B. Other Operational Violations:

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The Town Council shall consider each alleged violation on its facts, on a case-by-case basis and reserves its statutory right to modify, suspend or revoke a license; however, it may, in its sound discretion, apply the guidelines for compliance check violations, as well as aggravating or mitigating factors as follows:

Aggravating Factors:

1. Deliberateness of violation: intentional, willful, or negligent.

2. Facts of violation

- a. Incident impacting public safety or accident involving serious personal injury or death.
- b. Continued service of intoxicated or underage person or serve of multiple intoxicated and/or underage persons.

3. Multiple statutory and/or local bylaw violations.

4. Licensee's obstruction of or non-cooperation in investigation.

5. Licensee's failure to provide adequate staff training and oversight procedures.

6. Number and frequency of prior violations.

Mitigating Factors:

1. Licensee's acknowledgment of violation.

2. Licensee's cooperation in investigation.

3. Licensee's prevention attempts: equipment installation, staff training, oversight procedures, etc.

4. Licensee's voluntary remediation efforts: additional equipment, training, procedures, etc.

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

←—————→
DATED: January _____, 2014

A True Record Attest:

Deborah L. Pellegri
Town Clerk

VOTED:
UNANIMOUS _____
YES _____ NO _____

ABSTAIN _____
ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

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TOWN OF FRANKLIN

BY-LAW AMENDMENT 14-729

AMENDMENT TO WATER SYSTEM MAP

**A BY-LAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN,
CHAPTER 179 § 179-9.1 WATER MAP.**

**BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF
FRANKLIN** that Chapter 179 § 179-9.1. Water System Map Exhibit A (Map) be
amended by adding as an eligible location the following:

§179-9.1 Water System Map.

Exhibit A:

Extending water system from Uncas Avenue and Ledge Street to Crocker
Avenue to service a new 9 lot subdivision off Uncas Avenue.

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

DATED: _____, 2014

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Deborah L. Pellegrini
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

Updated: 04/08/2010



TOWN OF FRANKLIN
DEPARTMENT OF PUBLIC WORKS
257 Fisher Street
Franklin, MA 02038-3026

Application #: _____
Filing Date: _____
Expiration Date: _____

APPLICATION FOR WATER SYSTEM EXTENSION PERMIT

Location Uncas Avenue

Owner Walsh Brothers Building Company, Inc.

Telephone Number 508-668-3434

Engineer GLM Engineering Consultants, Inc.

Telephone Number 508-429-1100

Description of Extension The owner proposes to tie into the existing water line located at the intersection of Uncas Avenue and Ledge Street and to extend the new water line to a proposed subdivision and looping into the existing water line in Crocker Avenue.

Tax Map # 285 Lot # 078 Parcel Number 001-009

Number of Homes: New 9 Existing _____

Commercial/Industrial Flow N/A

CRITERIA FOR APPROVAL

1. New water mains approved by the Planning Board prior to October 21, 1998.
2. Extension of existing water mains to allow looping of the water system that will improve water quality, water flow or water pressure to existing developments.
3. Water main extension required to improve the fire service to existing buildings required by building or fire protection codes.
4. New water mains to provide water service to existing residences that have lost their water supply due to groundwater contamination.
5. Minor water main extensions associated with pipe replacement work performed as part of a Town road reconstruction project.

Owner's explanation as to why it meets or exceeds criteria The proposed extension of the water main will allow looping of the water system that will improve water quality, water flow and water pressure to existing properties. See attached letter.

[Signature]
Owner's Engineer
GLM ENG. CONS. INC.



[Signature]
Owner

R P S O

- Recommends Approval
- Recommends Disapproval

Comments: _____

CONSERVATION COMMISSION

- Recommends Approval
- Recommends Disapproval
- Requires a Notice of Intent to be filed prior to construction

Comments: _____

BOARD OF HEALTH

- Recommends Approval
- Recommends Disapproval

Comments: _____

DPW

- Recommends Approval
- Recommends Disapproval

Comments: SEE MEMO FOR CONDITIONS RE: # OF HYDRANTS AND COMPLETION DATE.

TOWN ADMINISTRATOR

- Recommends Approval
- Recommends Disapproval

Comments: _____

TOWN CLERK

- We hereby certify that the proposed sewer extension was approved by the Town Council on _____, see Resolution No. _____.

 Town Clerk



TOWN OF FRANKLIN

**BY-LAW AMENDMENT 14-730
AMENDMENT TO SEWER SYSTEM MAP**

**A BY-LAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN,
CHAPTER 139, ENTITLED SEWERS, AS FOLLOWS:**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 139-14 of the Code of the Town of Franklin entitled Sewer System Map, Exhibit A (map) be amended by adding the following extension as an eligible location:

Extending sewer system from Crocker Ave. approximately 980 feet off Uncas Avenue to service a new 9 lot subdivision.

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

DATED. _____, 2014

VOTED:

UNANIMOUSLY: _____

A True Record Attest:

YES: _____ NO: _____

ABSTAIN: _____ ABSENT: _____

**Deborah L. Pellegrini
Town Clerk**

**Judith Pond Pfeffer, Clerk
FRANKLIN TOWN COUNCIL**

Updated: 04/08/2010



TOWN OF FRANKLIN
DEPARTMENT OF PUBLIC WORKS
257 Fisher Street
Franklin, MA 02038-3026

Application #: _____
Filing Date: _____
Expiration Date: _____

APPLICATION FOR SEWER SYSTEM EXTENSION PERMIT

Location Uncas Avenue

Owner Walsh Brothers Building Company, Inc.

Engineer GLM Engineering Consultants, Inc.

Description of Extension The owner proposes to install a connection to an existing sewer manhole on Crocker Avenue and run the new sewer line approximately 980 feet through to development site.

Tax Map # 285 Lot # 078 Parcel Number 001-009


#Homes: New 9 Existing _____

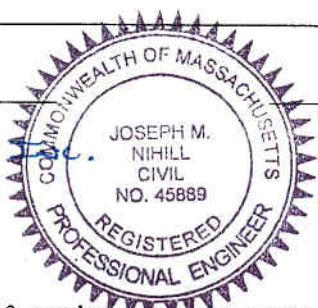
Commercial/Industrial Flow N/A

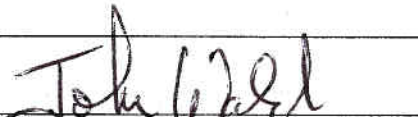
CRITERIA FOR APPROVAL

1. Was the sewer extension shown on a Definitive Plan approved by the Planning Board prior to October 21, 1998?
2. Does the proposed extension eliminate system overflows or other conditions which pose a public health threat?
3. Does the proposed extension improve the capacity of an existing overloaded sewer line?
4. Does the proposed extension eliminate the need for a pump station serving existing residential development?
5. Is the proposed extension required for the installation of a community sewage treatment plant to serve existing residential development?
6. Will the proposed extension, in the opinion of the Town Council, involve making a substantial improvement to public utility infrastructure or otherwise conferring a significant public benefit, provided that the proposed extension by itself shall not be deemed to satisfy this criterion?
7. The Town Council may, upon a showing by the property owner of hardship, financial or otherwise, approve an extension to the map for an existing single building lot, upon which a single-family residential structure is or could otherwise be legally constructed, which directly abuts a lot which was serviced by an existing gravity sewer main as of the date of original adoption of this bylaw, and which does not satisfy any of the criteria listed in above. Said extension shall be granted for the minimum linear distance necessary to provide the requested service. In approving the extension, the Council may either require extension of the existing main or permit connection by a service line and may impose other conditions to protect, maintain, or improve the public infrastructure.

Owner's explanation as to why it meets or exceeds criteria The owner proposes to undertake off-site mitigation that will be beneficial to the neighborhood. See attached letter.


Owners' Engineer
GLM Eng. Cons. Inc.




Owner

DPW


Recommends Approval & requires a state sewer extension permit to be filed prior to construction.
Recommends Disapproval

Comments: SEE MEMO FOR CONDITIONS RE: # OF HYDRANTS AND COMPLETION DATE.

CONSERVATION COMMISSION

- Recommends Approval
- Recommends Disapproval
- Requires a Notice of Intent to be filed prior to construction

Comments: _____

BOARD OF HEALTH

- Recommends Approval
- Recommends Disapproval

Comments: _____

PLANNING AND COMMUNITY DEVELOPMENT

- Recommends Approval
- Recommends Disapproval

Comments: _____

TREASURER-COLLECTOR

- Recommends Approval and acknowledges there are no outstanding fees, taxes or fines.
- Recommends Disapproval

Comments: _____

TOWN ADMINISTRATOR

- Recommends Approval
- Recommends Disapproval

Comments: _____

Sewer Extension Permit #: _____

Conditions, If any: _____



DATE: 1/8/2014

MEMORANDUM

TO: Jeff Nutting, Town Administrator
Brutus Cantoreggi, Director of Public Works

FROM: Michael Maglio, P.E., Town Engineer *MM*

SUBJECT: **Uncas Ave Extension – Water and Sewer Extension Permit Applications**

CC: Laurie Ruzsala, Water and Sewer Superintendent
Mark Cerel, Town Attorney

Walsh Brothers Building Company has submitted applications for a Sewer System Extension Permit and a Water System Extension Permit for the proposed "Uncas Avenue Extension" Subdivision located at the intersection of Uncas Avenue and Ledge Street.

The requested Water Extension will connect to the existing water system at the intersection of Uncas Avenue and Ledge Street and extend through the proposed subdivision, also serving the nine lots, and will connect to the existing water system in Crocker Avenue to provide a looped connection.

The proposed water main extension will provide looping of the water system and improve fire service to the proposed buildings, falling under items 2 and 3 of the Water System Map bylaw criteria.

The requested Sewer Extension will connect to the existing sewer system on Crocker Avenue and extend approximately 900 feet into the proposed Subdivision to serve the nine lots. The proposed sewer will discharge into the Beaver St Interceptor and will have little to no impact on current flows.

To meet the Sewer System Map bylaw criteria, the applicant is proposing additional off-site improvements to qualify as a substantial improvement to public utility infrastructure under item 6 of the bylaw criteria. The following proposed improvements are detailed in Attorney Gallogly's attached letter:

- replace approximately 500 feet of water main on Uncas Avenue
- construct a curb and sidewalk along one side of Uncas Avenue
- resurface Uncas Avenue
- Replace approximately 2300 feet of existing water main on Hill Street and Crocker Avenue with materials to be provided by the town.

I feel that both the Sewer and Water System Extension Permit applications meet criteria identified in the respective Bylaws and recommend approval with the following conditions:

In Attorney Gallogly's cover letter submitted with the application, the description of off-site work proposed for Hill Street and Crocker Avenue indicates the number of hydrants to be installed will be two, the actual number shall be determined by the Department of Public Works.

Additionally, whereas the applicant's request does not mention a timeframe for the proposed off-site improvements, I recommend that if approved, a condition of approval be made that the off-site improvements shall be completed by August 15, 2014.

RACKEMANN SAWYER & BREWSTER

PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

Established 1886

Richard J. Gallogly
(617) 951-1172
rgallogly@rackemann.com

December 30, 2013

Town of Franklin
Town Council
Town of Franklin Municipal Building
355 East Central Street
Franklin, MA 02038-1352

Re: Request for Water and Sewer System Map Amendments
Uncas Avenue, Franklin, MA

Dear Town Council Members:

On behalf of Walsh Brothers Building Company, Inc. ("Walsh Brothers"), please accept the enclosed applications for water system and sewer system map amendments. These map amendments are required in order to supply municipal sewer and water service to a proposed residential subdivision located on a 9.06 acre parcel of land off Uncas Avenue (the "Land").

These same map amendments were denied by the Town Council at its meeting on August 8, 2012. On behalf of Walsh Brothers, we apologize for not attending that meeting. We mistakenly believed that our attendance was not required. As a result of our absence, there was some confusion as to the mitigation being proposed by the applicant. We respectfully request an opportunity to present our applications to the Council and answer any questions the Council members may have.

Walsh Brothers proposes to develop a nine (9) lot residential subdivision on the Land (the "Subdivision"). The Subdivision is shown on a plan entitled "Definitive Subdivision Plan Uncas Avenue Extension in Franklin, Massachusetts," last revised November 12, 2013, prepared by GLM Engineering Consultants, Inc. The Subdivision was reviewed by the Planning Board at a public hearing held on December 16, 2013. The Planning Board continued the public hearing until January 27, 2014.

The Town Council previously approved sewer and water map amendments for the Land in connection with a proposed age-restricted development known as Franklin Place. Due to deteriorating economic conditions, in 2007, Walsh Brothers decided to put the Franklin Place project on hold. Nevertheless, Walsh Brothers obtained water and sewer map amendments and a sewer extension permit from the Massachusetts Department of Environmental Protection.

160 Federal Street
Boston, MA 02110-1700
TEL 617 542 2300
FAX 617 542 7437

www.rackemann.com

Since 2007, the market for age-restricted housing has only gotten worse due to over-building. Accordingly, it is no longer feasible to construct Franklin Place. For that reason, Walsh Brothers wishes to pursue development of the Subdivision. We have been informed by municipal officials that new water and sewer map amendments are required for the Subdivision.

As set forth in Sections 139-14 and 179-9.1 of the Franklin Municipal Code, there are several criteria that may be considered by the Town Council when reviewing applications for water and sewer map amendments. Walsh Brothers respectively submits that a sufficient basis exists for granting the requested map amendments.

The Subdivision project will include the following mitigation:

1. Uncas Avenue – Walsh Brothers to install the following at its sole expense:
 - (a) Replacement of approximately 500 linear feet of old 6-inch water main with new 8-inch ductile iron water main.
 - (b) Water Main Bypass.
 - (c) Permanent 3” Trench Patch.
 - (d) Reset caastings.
 - (e) Granite Curbing (one side only).
 - (f) Concrete Sidewalks (one side only).
 - (g) Resurface Uncas Avenue (1 ½” thickness).
 - (h) Loam and seed shoulders.

2. Hill Street and Crocker Avenue – Walsh Brothers to provide labor to install the following, with all material to be supplied by the Town of Franklin DPW, with the exception of the materials used for the water main bypass, which shall be provided by and remain the property of Walsh Brothers following completion of the water main installation:
 - (a) Water Main Bypass.

- (b) New water main (approximately 2,000 linear feet) (to be installed at existing location and elevation).
- (c) Service tie overs.
- (d) Hydrants (2)
- (e) Permanent 3" trench patch

The mitigation listed above includes all of the mitigation that was proposed in connection with the water and sewer map amendments previously approved by the Town Council for the age-restricted project on the Land. We believe the foregoing satisfies the criteria for approval of water and sewer map amendments. We also believe the public benefits of this project substantially outweigh any potential adverse impacts.

Thank you for your time and attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,



Richard J. Gallogly

RJG:smg

Enc.

cc: John Walsh
Robert Truax

A0971388