



FRANKLIN TOWN COUNCIL

February 12, 2014

7:00 PM

- A. APPROVAL OF MINUTES** – *January 29, 2014- Workshop; 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. *Resolution 14-06: Acceptance of Gift – Franklin Public Library*
 - 2. *Resolution 14-07: Revoke Civil Service – Fire Department*
 - 3. *Resolution 14-08: The Woodlands-Approval of Modification (Amendment) to Regulatory Agreement*
 - 4. *Bylaw Amendment 14-727: Amendment to Chapter 47, Alcoholic Beverages –^{2nd} Reading*
 - 5. *Bylaw Amendment 14-729: Amendment to Chapter 179-9.1, Exhibit A, Water System Map -^{2nd} Reading*
 - 6. *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**

**FRANKLIN TOWN COUNCIL
ZONING WORKSHOP
January 29, 2014**

A Zoning Workshop of the Town Council was held on Wednesday, January 29, 2014 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present; Andrew Bissanti, Matt Kelly, Thomas Mercer, Peter Padula, Judith Pfeffer, Robert Vallee, Steve Williams. Administrative personnel in attendance: Jeffrey Nutting; Town Administrator, Mark Cerel; Town Attorney and Maxine Kinhart; Assistant to the Town Administrator. Planning Board Members, Tony Padula, Joe Halligan and John Carroll; Planning Staff: Bryan Taberner, Beth Dahlstrom, Derrick Mathieu; Building Commissioner Gus Brown; Local Property Owner Margaret Ranieri

CALL TO ORDER: Chairman Vallee called the workshop to order at 7:00PM He stated that this workshop was to review zoning related issues as recommended in the 2013 Master Plan Implementation Plan. Tonight's discussion would involve Alpine Row, Josephine Street, Cottage Street/Union Street, West Central Street, East of Beaver Street. Also up for discussion is increasing areas for multi-family housing and commercial/business development.

Bryan Taberner, Director of Planning referenced a handout of slides of zoning maps. **Slide 3** is Alpine Row and the suggested zoning change is a parcel from Commercial 1 to Downtown Commercial and three parcels from Commercial 1 to Residential 5. Joe Halligan, the owner of the three parcels said he want the parcels to be Downtown Commercial instead of residential. It was suggested that if it is what the owner wants then it should be taken care of before it gets to the Council.

Slide 4. Josephine Street Currently Industrial surrounded by heavily residential. Proposed zoning change is to extend General Residential 5. It's mostly wet, could possibly squeeze something in there maybe.

Slide 5. Cottage Street/Union Street. Take Mill Store from Business Zone to Commercial 1. Clean up lot line. Comment from property owner that he would like to see C1 extended up Cottage Street from Lil General two lots.

Slide 6. West Central Street, East of Beaver Street. Single family IV to General Residential 5. Could have multi-family by special permit. Now can have office as of right. Opinion that strip malls not necessarily good for the town. Leave R4 see what comes. Nice offices bring in the same taxes as housing.

Slide 7. Discussion of increasing areas for multi-family housing. Is there any zoning district that you can put in condos? Answer: no. R6 was per development i.e. Spruce Pond, Hawthorne Village, Stone Ridge, Highwood. They were trying to control housing so they stopped zone 6. Why are we talking about zoning for multi-family? The problem with multi-family is that you can't control whether you get apartments or condos.

Slide 8. Discussion of increasing areas for Commercial Business Development. Is there any other land available to zone? Rt. 140? You have to be careful of creeping into residential. Industrial zone brings high tax dollars. Currently and for a long time we are 80% residential, 18% industrial and 2% commercial. We should decide where we want neighborhood zone and rezone for it. i.e. Pond Street. Should rezone Garelick's to the traffic light commercial.

Slide 9. Washington Street. Industrial to Single Family III. Can RR bed be carved out? Sight Plan Approval does not give you grandfathering.

Slide 10. Commercial 1. Not in Downtown anymore. Cannot see Business owner that would not include parking. C1 on 140 – you can't park on 140, you have to provide parking.

Respectfully Submitted,

Maxine Kinhart.

Maxine Kinhart

/Zoning Workshop attachment

**Zoning Workshop
January 29, 2014**

**Review and Prioritization
of Zoning Related Issues**

Items for Discussion

Zoning Changes as Recommended in 2013 Master Plan Implementation Plan

- Alpine Row
- Josephine Street
- Cottage Street/Union Street Area
- West Central Street, East of Beaver Street

Areas for Discussion requested by Economic Development Committee

- Increase areas for Multi-family Housing
- Increase areas for Commercial/ Business Development

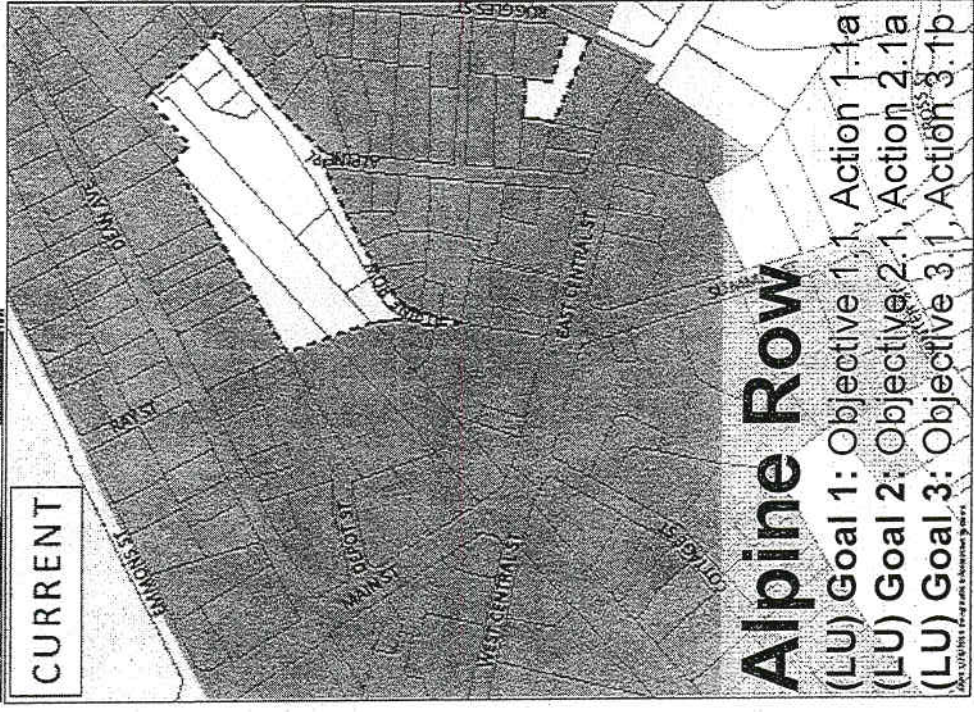
Other

- Washington Street
- Commercial I

Proposed Zoning Map Changes

Commercial I to Downtown Commercial District
 Commercial I to General Residential V

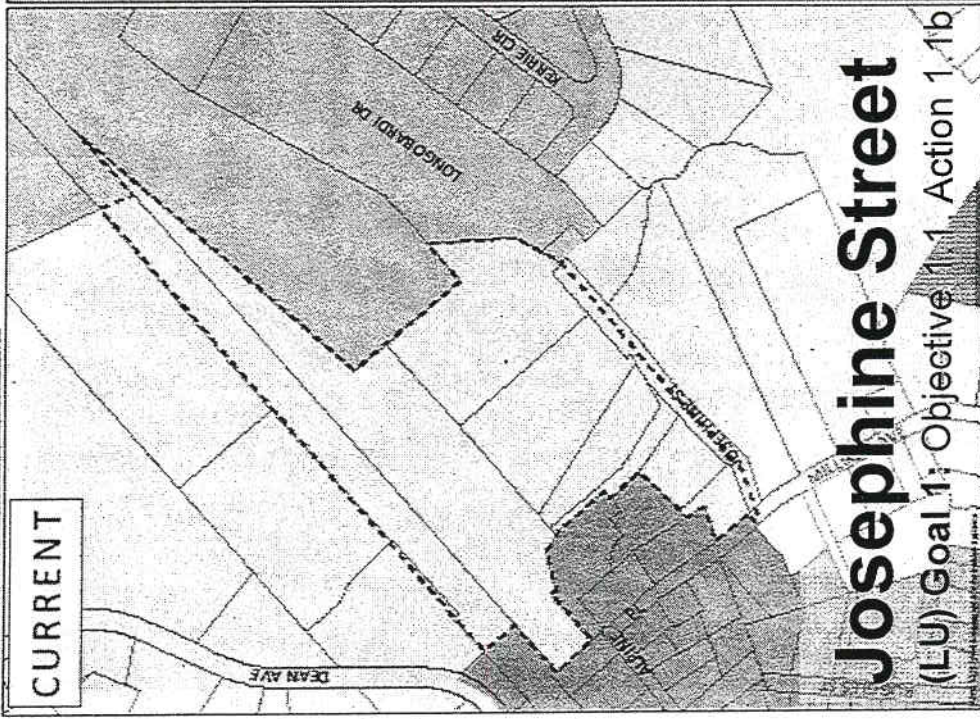
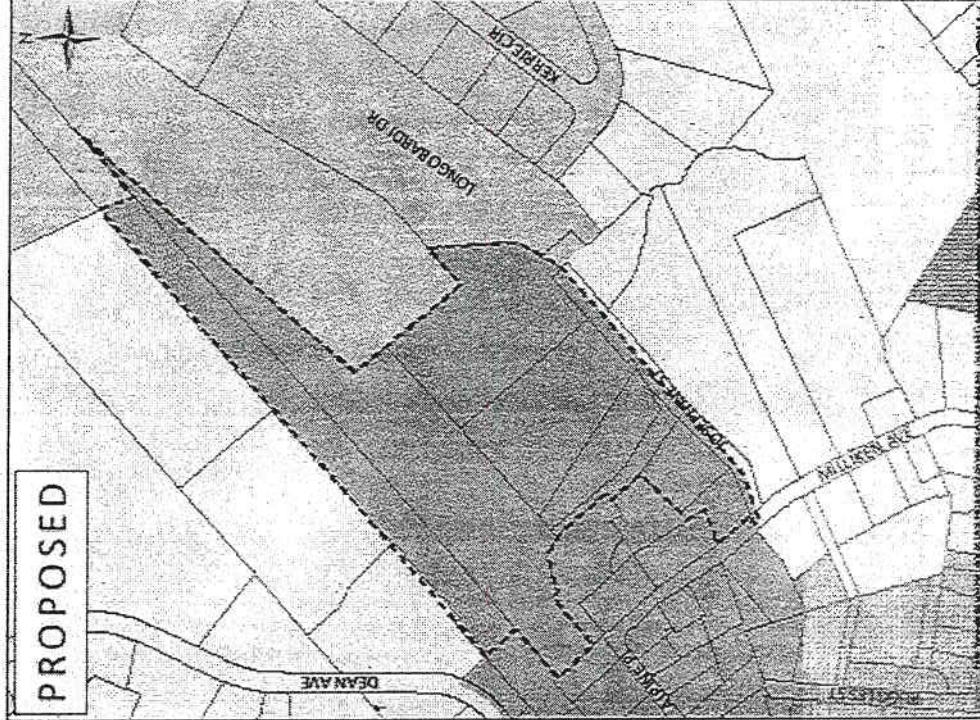
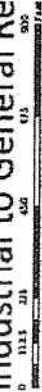
- Parcel Line
- General Residential V
- Industrial
- Downtown Commercial District
- Single-Family III
- Single-Family IV
- Area of Proposed Changes



Alpine Row

- (LU) Goal 1: Objective 1.1, Action 1.1a
- (LU) Goal 2: Objective 2.1, Action 2.1a
- (LU) Goal 3: Objective 3.1, Action 3.1b

Proposed Zoning Map Changes Industrial to General Residential V



- Parcel Line
- Commercial II
- General Residential V
- Industrial
- Single-Family III
- Single-Family IV
- Area of Proposed Changes

CURRENT

PROPOSED

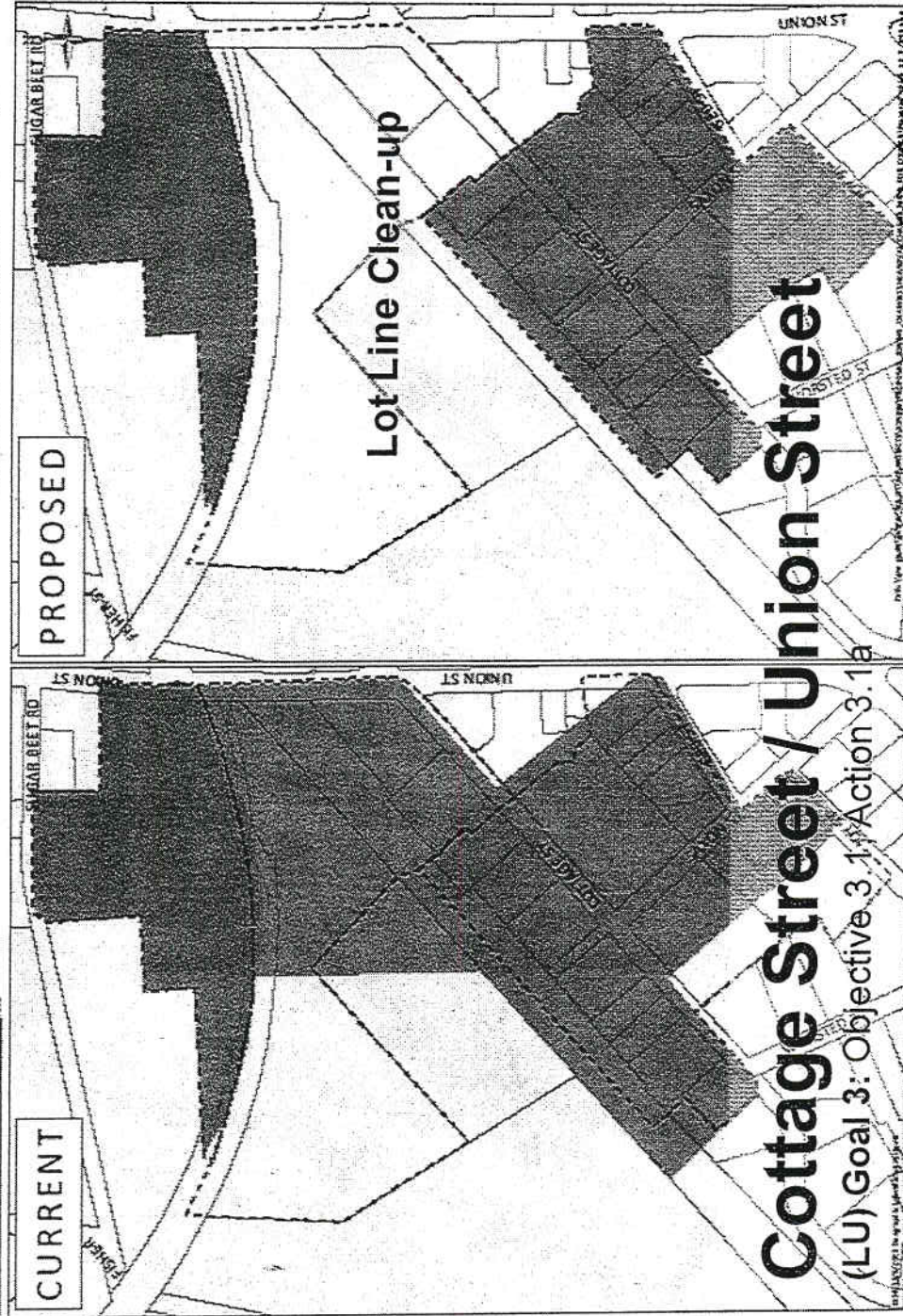
Josephine Street

(LU) Goal 1: Objective 1 Action 1.1b

Proposed Zoning Map Changes

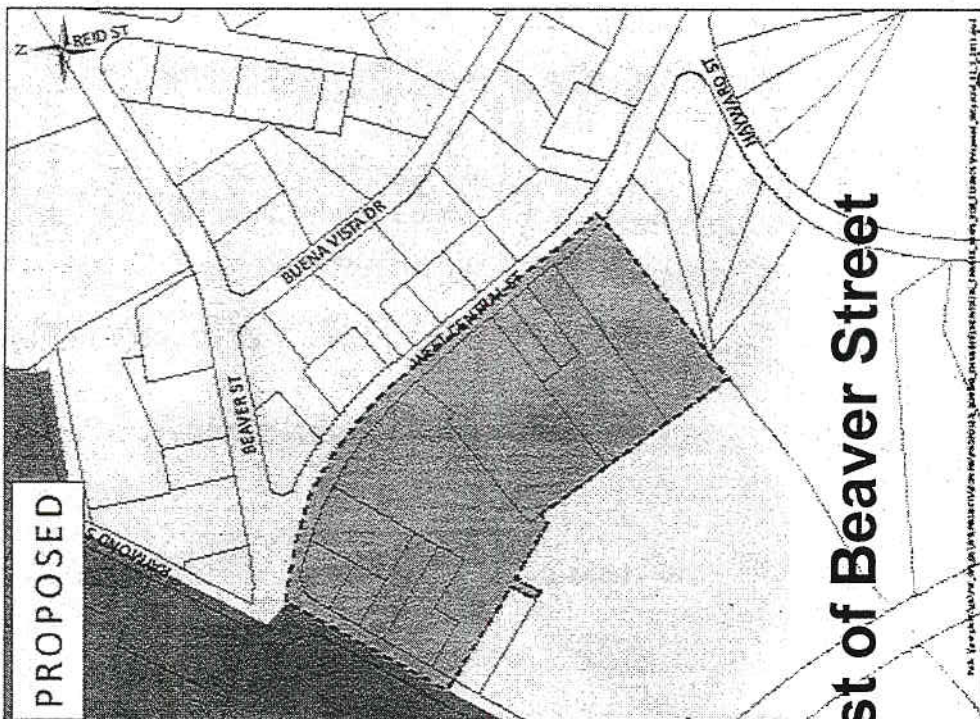
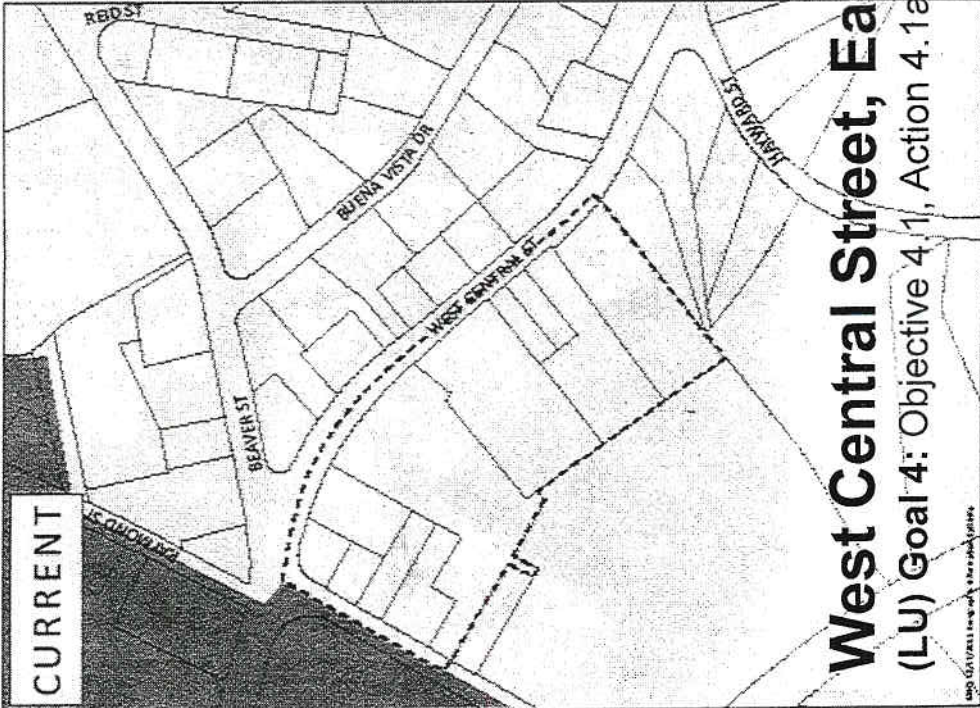
Business to Commercial I

- Parcel Line
- Commercial II
- Single-Family IV
- Business
- Industrial
- Area of Proposed Changes
- Commercial I
- Residential VI



Proposed Zoning Map Changes Single-Family IV to General Residential V

- Parcel Line
- Commercial II
- General Residential V
- Industrial
- Rural Residential I
- Single-Family IV
- Area of Proposed Changes

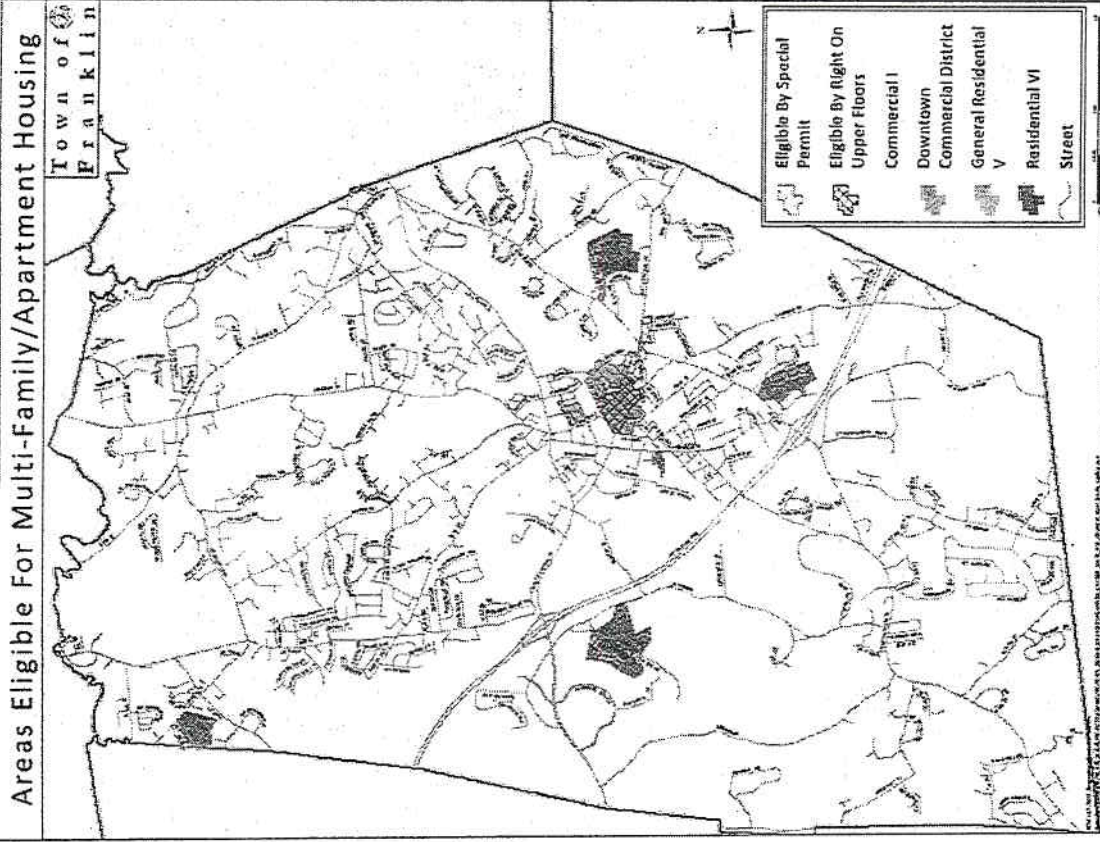


West Central Street, East of Beaver Street

(LU) Goal 4: Objective 4.1, Action 4.1a

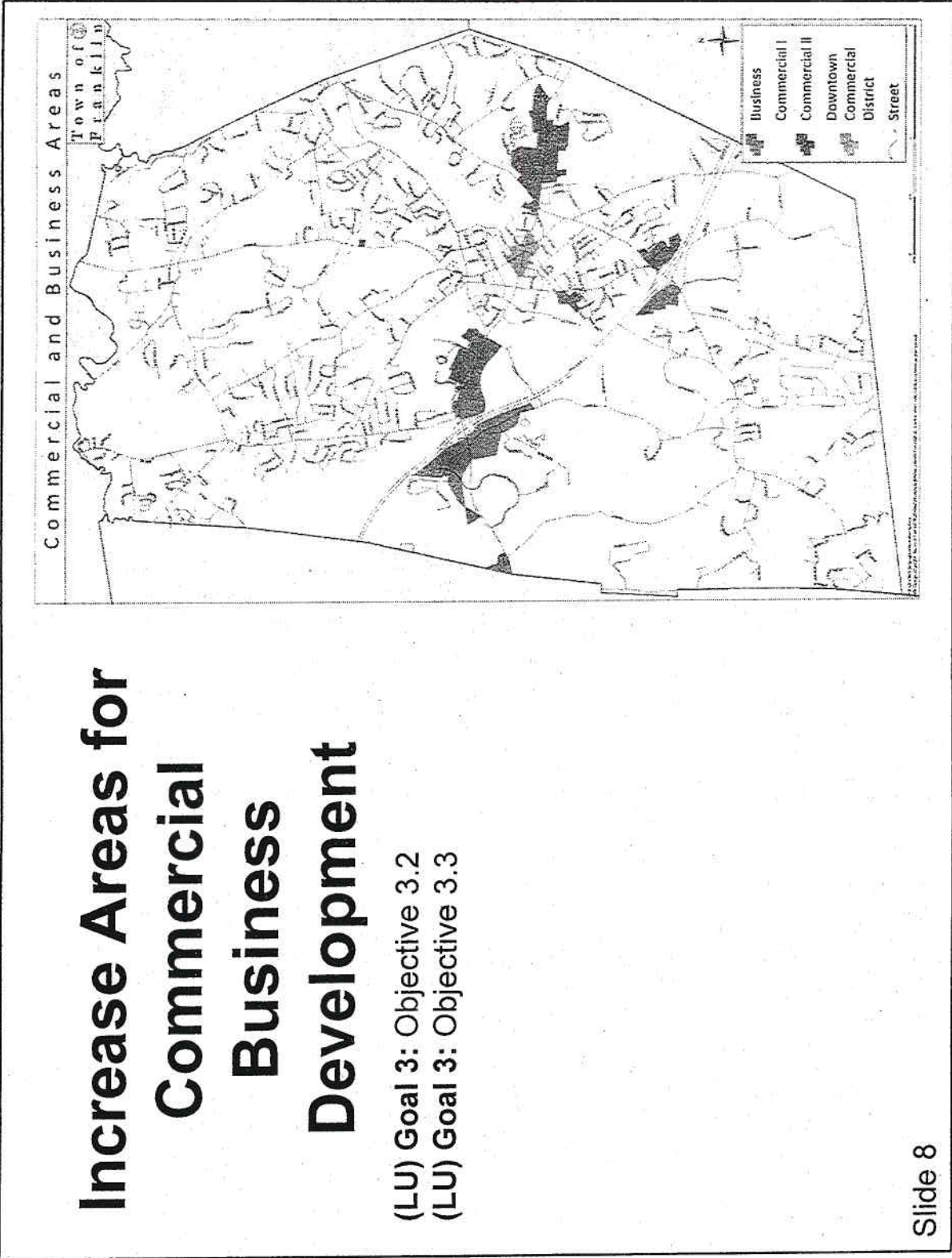
Increase Areas for Multi-family Housing

- (LU) Goal 1
- (LU) Goal 2
- (H) Goal 5: Objective 5.2, Action 5.2a
- (ED) Goal 4: Objective 4.3, Action 4.3b



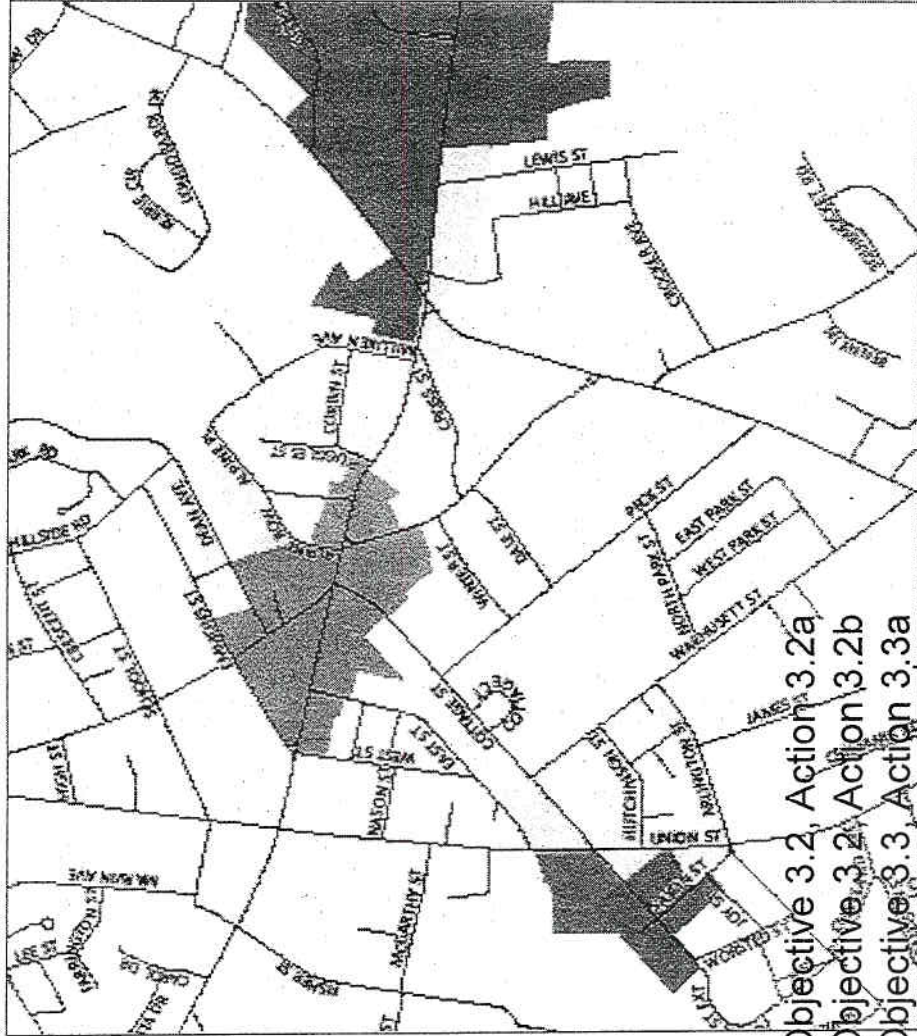
Increase Areas for Commercial Business Development

(LU) Goal 3: Objective 3.2
(LU) Goal 3: Objective 3.3



Commercial I

Amend the dimensional requirements for Commercial I in the Town's Zoning By-law's Schedule of Lot, Area, Frontage, Yard and Height Requirements . Amend the Town's Zoning Bylaw to require sufficient parking in the Commercial I zoning district.



- (LU) Goal 3: Objective 3.2, Action 3.2a
- (LU) Goal 3: Objective 3.2, Action 3.2b
- (LU) Goal 3: Objective 3.3, Action 3.3a

PRESENTATIONS
AND
DISCUSSIONS

1. FINANCIAL FORECAST – JEFFREY NUTTING

LEGISLATION

FOR

ACTION



TOWN OF FRANKLIN

RESOLUTION 14-06

Acceptance of Gift – Franklin Public Library

WHEREAS, The Friends of the Franklin Library have generously made a donation of \$5,000 to the Franklin Public Library.

NOW THEREFORE, BE IT RESOLVED THAT:

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

This resolution shall become effective according to the provisions of the Town of 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



TOWN OF FRANKLIN

RESOLUTION 14-07

EXEMPTION OF ALL POSITIONS IN THE FIRE DEPARTMENT FROM THE CIVIL SERVICE LAW

WHEREAS, Over the years all future hires in all positions except the Fire Department have been exempted from the provision of G.L. Chapter 31 Civil Service.

WHEREAS, The Town of Franklin has been proposing to Local 2637, I.A.F.F., since the Summer of 2012, its intent to revoke its acceptance, under G.L. c. 4, §4B, of G.L. c. 31, the Civil Service Law.

WHEREAS, the Town and the Union have agreed to negotiate separately, to the extent required by law, on the impact of the Town revoking its acceptance of c. 31 for all Fire Department positions.

NOW BE IT RESOLVED by the Town of Franklin by and through its Town Council:

1. All positions in the fire department shall be exempt from the provisions of G.L. Chapter 31, the Civil Service Law.
2. Notwithstanding the foregoing, this resolution shall not affect any civil service rights of any person holding a position in the fire department on the effective date of this resolution.

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

Dated: _____ **2014**

Voted:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council



**TOWN OF FRANKLIN
RESOLUTION 14-08
THE WOODLANDS-APPROVAL OF MODIFICATION
(AMENDMENT) TO REGULATORY AGREEMENT**

WHEREAS, the Franklin Town Council approved the Local Initiative Program project to be known as The Woodlands by Resolution 99-50, and

WHEREAS, the original project proponents, Arcadia Enterprises, Inc. ("Arcadia") and Pentad Realty Trust ("Pentad") entered into the Regulatory Agreement with the Department of Housing and Community Development (DHCD) and the Town of Franklin as of November 9, 2004, and

WHEREAS, the Franklin Town Council approved the initial financing of the project by Walpole Cooperative Bank by Resolution 05-09, and

WHEREAS, Scituate Federal Savings Bank ("Scituate") became the owner of the project as a result of an assignment of the original loan and foreclosure, and sold the remaining lots in the project to Woodlands Development, LLC, the present owner, and

WHEREAS, the Franklin Town Council, by Resolution 13-56, approved Scituate's ownership and Scituate's transfer of ownership to Woodlands Development, LLC, as required by the Regulatory Agreement, and

WHEREAS, Scituate and Woodlands Development, LLC desired to amend the Regulatory Agreement to define how the developer's maximum permissible limited dividend (profit) is calculated in order to facilitate and expedite the completion and sale of the project for the benefit of all parties in light of financial distress that the project had suffered in the past, and the Franklin Town Council, by Resolution 13-56, also approved the amendment, but the DHCD did not approve it, and

WHEREAS, Scituate, Woodlands Development, LLC and DHCH have now agreed on amendment language which is contained in the "Modification to Local Initiative Program Regulatory Agreement and Declaration of Restrictive Covenants for Ownership Project", a copy of which is attached hereto as "Exhibit 1", and

WHEREAS, the attorney representing the project has made a written presentation to the Council addressing the parties' agreement on the amendment language.

NOW, THEREFORE, BE IT RESOLVED that the Town of Franklin, acting by and through its Town Council:

1. Hereby acknowledges and affirms Woodlands Development, LLC's present ownership of the project.

2. Hereby approves the proposed modification (amendment) to the Regulatory Agreement for The Woodlands Comprehensive Permit project, which defines how the developer's maximum permissible limited dividend (profit) is calculated, a copy of which is attached hereto as Exhibit 1.
3. Authorizes the Town Council Chairman to execute said modification (amendment).
4. Re-authorizes the Town Administrator, in consultation with the Town Attorney to execute any other documents and to take any other action necessary to bring about completion of the Woodlands project.

DATED: February _____, 2014

VOTED:

UNANIMOUS_____

A True Record Attest:

YES_____ NO_____

**Deborah L. Pellegrini
Town Clerk**

ABSTAIN_____

ABSENT_____

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



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.

A. Guidelines for Compliance Check Violations:

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:

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:

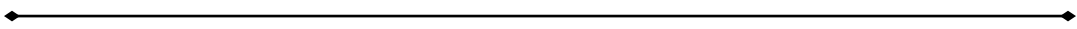
1. Deliberateness of violation: intentional, willful, or negligent.
2. Facts of violation

- 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. Pellegrini
Town Clerk

VOTED:

UNANIMOUS _____
YES _____ NO _____

ABSTAIN _____
ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council



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. CONSULTANTS, 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

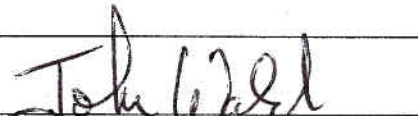
CRITERIA FOR APPROVAL

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

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