



FRANKLIN TOWN COUNCIL

April 2, 2014

7:00 PM

- A. APPROVAL OF MINUTES** – *February 12, 2014 Regular and Executive Session- To be released*
- 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** »*Senator Spilka & Representative Roy*
»*150 Emmons Street*
- I. SUBCOMMITTEE REPORTS**
- J. LEGISLATION FOR ACTION**
 - 1. *Resolution 14-05: Appropriation: Fire Detail Account – Continue until May*
 - 2. *Resolution 14-15: Request for Special Legislation, Re: Local Sales Tax on Sale of Medical Marijuana*
 - 3. *Zoning Bylaw Amendment 14-728R: Changes to Chapter 185 – 5, Zoning Map: Industrial to Single Family III(Washington St.)-Referral to Planning Board*
 - 4. *Zoning Bylaw Amendment 14-732:Changes to Chapter 185-21, Parking, Loading, and Driveway Requirements – Referral to Planning Board*
- K. TOWN ADMINISTRATOR’S REPORT**
- L. OLD BUSINESS**
- M. NEW BUSINESS**
- N. COUNCIL COMMENTS**
- O. EXECUTIVE SESSION** – *Negotiations, Litigation, Real Property, as May Be Required*
- P. ADJOURN**

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
February 12, 2014**

A meeting of the Town Council was held on Wednesday, February 12, 2014 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present; Andrew Bissanti, Brett Feldman, Glenn Jones, Matt Kelly, Thomas Mercer, Judith Pond Pfeffer, Robert Vallee, Steve Williams. Councilors absent; Peter Padula. Administrative personnel in attendance: Jeffrey Nutting; Town Administrator, Mark Cerel; Town Attorney and Maxine Kinhart; Assistant to the Town Administrator. Other officials present: Stephan H. 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: *January 29, 2014 Workshop and January 22, 2014 Executive Session.* **MOTION** by Councilor Jones to approve the minutes **SECONDED** by Councilor Mercer. **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 be available on the blog Franklin Matters.

PROCLAMATIONS/RECOGNITIONS: NONE.

CITIZEN COMMENTS: Firefighter Bob Donovan of 43 Anthony Road spoke in opposition to the proposed Resolution 14-07: Revoke Civil Service – Fire Department. Mr. Donovan said he was against the removal of firefighters from Civil Service as Civil Service was instituted many years ago and continues to serve as a way for the Department to administer hiring’s, promotions, and fitness. Mr. Donovan warned if Resolution 14-07 was passed, there were no mechanisms in place to determine qualifications for hiring new firefighters, or to determine the qualifying factors to receive a promotion. Mr. Donovan would like the details to be worked out prior to the Council approving Resolution 14-07.

APPOINTMENTS: NONE.

HEARINGS: NONE.

LICENSE TRANSACTIONS: NONE.

PRESENTATIONS/DISCUSSIONS: *Financial Forecast* – Jeffrey Nutting provided an update of the Five Year Fiscal Forecast. Mr. Nutting said the full forecast is available on-line. Mr. Nutting said the Town is okay in the ‘short-run’, but the ‘long run’ is uncertain. Wages and benefits account for 75% of the Operating Budget and health care costs and retirement obligations continue to rise. DPW expenses account for 22% of the Operating Budget and discussion regarding funding for road/sidewalk and infrastructure problems need to be addressed. Mr. Nutting suggested serious consideration of a 1.5 million dollar dedicated override to fund needed road repairs. Mr. Nutting said he expected State Aid to increase by less than 1% and said Local Receipts are directly tied to the economy. Mr. Nutting stressed there are a lot of ‘unknowns’, such as population size, demographics, economy and school enrollment, which all need to be monitored. Mr. Nutting offered solutions that could save the Town money. One solution is to consider changing health insurance coverage for future employees. Another solution is to continue hiring part-time employees where appropriate, as the Town is not required to provide health insurance and retirement benefits to part-time employees. Additional solutions included continuing to lobby against Unfunded Mandates, look for shared services when available, use technology to create greater efficiency, look for commercial/industrial development where appropriate to increase taxes, encourage hotels and restaurants to locate in Town as a way to increase taxes and lastly to continue to lobby to change outmoded and expensive laws that drive up the cost of government.

SUBCOMMITTEE REPORTS: *Economic Development Committee* – Councilor Jones said a meeting was held on February 11th and the main topics were the continued discussion of the Pond Street property and the property located at 150 Emmons Street.

LEGISLATION FOR ACTION:

Resolution 14-06: Acceptance of Gift – Franklin Public Library: Councilor Pfeffer read the resolution to gratefully accept the generous gift of \$5,000 from The Friends of the Franklin Library to the Franklin Public Library. **MOTION** by Councilor Jones to move Resolution 14-06 **SECONDED** by Councilor Mercer. **DISCUSSION:** Friends of the Franklin Library President Maria Lucier said with the evening's \$5,000 donation to the Franklin Public Library, The Friends of Franklin Library have donated over \$184,000 since 2005. Ms. Lucier announced the creation of a \$1,000 annual scholarship in memory of former Friends of Franklin Library member Wilma Winters. Ms. Lucier also announced the Friends of Franklin Library had recently joined the Massachusetts Friends of Libraries Association and is hosting the Association's President on April 2, 2014 and all are welcome to attend. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Resolution 14-07: Exemption of all Positions in the Fire Department from the Civil Service Law: Councilor Pfeffer read the resolution to exempt all positions hired after the effective date of the Resolution in the Fire Department from the provisions of G.L. Chapter 31, the Civil Service Law. **MOTION** by Councilor Kelly to move Resolution 14-07 **SECONDED** by Councilor Pfeffer. **DISCUSSION:** ► Mr. Nutting explained beginning in 1975; various employee groups have been exempted from Civil Service for future hires. The Fire Department is the last employee group to retain Civil Service status. Mr. Nutting said Civil Service began in 1880 before unions had organized and employees had rights. The Civil Service process is difficult, tedious and outdated. Mr. Nutting stressed all employees would be 'grandfathered' and the change in Civil Service would impact employees hired after the resolution takes affect. Mr. Nutting asked the Council to approve the resolution and he would gladly sit down with the Fire Department to discuss the impact of the change. ► Councilor Mercer said he was proud of the men and women who work for the Fire Department, but all labor units have been removed from Civil Service and the impact for promotions and future hires would be conducted during Collective Bargaining. Councilor Mercer explained the necessity to revoke Civil Service as a cost saving measure. Councilors Bissanti, Kelly and Jones spoke in support of the resolution to revoke Civil Service status for the Fire Department. ► Citizen and Fire Fighter Bob Donovan spoke in opposition to the resolution as he said he does not see the equity of new employees working for less wages than fellow fire fighters. Mr. Donovan said his research of the auto and airline industry indicated problems arose 5-6 years after Civil Service was revoked. Mr. Donovan also said given the aging of the Department, he forecasted ¾ of the Department would retire in 6-7 years. Mr. Donovan conceded the need to adjust the retirement and benefits packages for new employees, but not wages. **ROLL CALL: Bissanti-Yes, Feldman-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Vallee-Yes, Williams-Yes. VOTE to Approve: 8 – 0 – 1.**

Resolution 14-08: The Woodlands – Approval of Modification (Amendment) to Regulatory Agreement: **MOTION** by Councilor Jones to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** to move Resolution 14-08 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained a similar resolution went before the Council last year. The Woodlands is a subdivision, which included affordable housing. The original developer declared bankruptcy before all of the affordable housing units were constructed. The wording of the Regulatory Agreement must be adjusted in order to allow a new developer to complete the sub-division. The Department of Housing and Community Development did not approve the initial Resolution, so now the language has been adjusted to include a few regulatory changes to allow this project to conclude. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Bylaw Amendment 14-727: Chapter 47 – Alcoholic Beverages – 2nd Reading: **MOTION** to waive the reading by Councilor Jones **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Jones to move Bylaw Amendment 14-727 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting said this bylaw puts a process in place when someone is caught violating the alcohol serving laws. Councilor Kelly said he was concerned some might risk alcohol violations if they knew the penalty was only 3-5 days and he was concerned the penalty is the same whether one person under the age of 21 or several people under the age of 21 are served. Mr. Cere said the violations typically occur during a Compliance Check where one person under 21 years of age is served alcohol. Councilor Jones spoke in support of the bylaw, as did Police Chief Semerjian. **ROLL CALL: Bissanti-Yes, Feldman-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Vallee-Yes, Williams-Yes. VOTE to Approve: 8 – 0 – 1.**

Bylaw Amendment 14-729: Chapter 179, Section 9.1 – Water Map – 2nd Reading: Councilor Pfeffer read the bylaw to extend the water system from Uncas Avenue and Ledge Street to Crocker Avenue to service a new 9 lot subdivision off Uncas Avenue. **MOTION** by Councilor Jones to move Bylaw Amendment 14-729 contingent upon compliance with the January 8, 2014 Memo **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Yes, Feldman-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Vallee-Yes, Williams-Yes. VOTE to Approve: 8 – 0 – 1.**

Bylaw Amendment 14-730: Chapter 139 – Entitled Sewers – 2nd Reading: Councilor Pfeffer read the bylaw to extend the sewer system from Crocker Avenue approximately 980 feet off Uncas Avenue to service a new 9 lot subdivision.

MOTION by Councilor Jones to move Bylaw Amendment 14-730, contingent upon compliance with the January 8, 2014 Memo **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Yes, Feldman-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Vallee-Yes, Williams-Yes. VOTE to Approve: 8 – 0 – 1.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting announced the Fire Department was awarded a \$20,000 grant to create a base map for the four communities who will be regionalizing emergency dispatch. ► The DPW was awarded a \$119,000 grant to review stormwater issues. ► Walsh Contracting produced the lowest bid at \$186,000 for the Downtown Project. Mr. Nutting will provide periodic updates on the State project. ► Mr. Nutting requested residents be mindful of what is disposed down toilets. A flier will be included in the next tax bill which will educate residents of items that should not be flushed down toilets as they damage the sewer pump grinders. ► Department head presentations, beginning with Facilities will begin during the next Council meeting. ► Mr. Nutting requested an Executive session for real property.

OLD BUSINESS: NONE.

NEW BUSINESS: ► Chairman Vallee proposed a discussion on rezoning Route 140. Chairman Vallee requested the DPW Director come in to discuss the 1.5 million dollars it is expected to cost to repair the Town roads.

COUNCILOR COMMENTS: NONE.

EXECUTIVE SESSION: Chairman Vallee said the Town Council would go into Executive Session for the purpose to consider the purchase, exchange, lease or value of real property and declared that an open meeting may have a detrimental effect on the negotiating position of the public body. Open Session will not reconvene at the conclusion of the Executive Session. **MOTION** by Councilor Pfeffer for the Franklin Town Council to go into Executive Session for the purpose to consider the purchase, exchange, lease or value of real property and declared that an open meeting may have a detrimental effect on the negotiating position of the public body and as the Chair has so declared, the Open Session will not reconvene at the conclusion of the Executive Session **SECONDED** by Councilor Mercer. **ROLL CALL: Bissanti-Yes, Feldman-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Vallee-Yes, Williams-Yes. VOTE to Approve: 8 – 0 – 1.**

The Regular Session of the meeting ended at 8:00PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary

FRANKLIN TOWN COUNCIL

Executive Session Minutes of Meeting February 12, 2014

EXECUTIVE SESSION: MOTION by Councilor Pfeffer for the Franklin Town Council to go into Executive Session for the purpose to consider the purchase, exchange, lease or value of real property and declared that an open meeting may have a detrimental effect on the negotiating position of the public body and as the Chair has so declared, the Open Session will not reconvene at the conclusion of the Executive Session **SECOND** by Councilor Mercer. **ROLL CALL: Bissanti-Yes, Feldman-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Vallee-Yes, Williams-Yes. VOTE to Approve: 8 – 0 – 1.**

Jeff stated he was here to ask for authorization to purchase 92 Wachusett Street. The price is \$159,100. The purpose is open space and recreation. Already used as a parking lot. Will have to take the house down, it has asbestos siding. The house is appraised at \$209,000. It will cost 20,000 to take it down.

MOTION by Kelly to authorize the Town Administrator to go forward with a Purchase & Sale Agreement for 92 Wachusett Street for \$159,100, subject to appropriation. **SECOND** by Jones. **ROLL CALL: Bissanti-Yes, Feldman-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Vallee-Yes, Williams-Yes. VOTE to Approve: 8 – 0 – 1.**

MOTION to ADJOURN by Jones. **SECOND** by Kelly. **ROLL CALL: Bissanti-Yes, Feldman-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Vallee-Yes, Williams-Yes. VOTE to Approve: 8– 0 – 1**

Meeting Adjourned 8:10 PM.

Submitted by,

Maxine Kinhart

PRESENTATIONS
AND
DISCUSSIONS

1. SENATOR SPILKA & REPRESENTATIVE ROY
2. 150 EMMONS STREET



RECEIVED

MAR 25 2014

TOWN ADMINISTRATOR
TOWN OF FRANKLIN

March 24, 2014

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

Re: 150 Emmons Street property

Dear Town Council members,

I am writing to you to as a 25 year resident of Franklin and also as a spokesperson for the Franklin Art Association. I would like the Town Council to postpone taking any action on the 150 Emmons Street, and continue to have public forums to discuss potential uses of this key piece of downtown property.

There are lots of ideas about how this property could be developed, and the community needs time to fully explore all the possibilities.

Sincerely,

A handwritten signature in cursive script that reads "Susan Sheridan".

Susan Sheridan

RECEIVED

Open Letter to the Franklin Town Council regarding 150 Emmons Street property (Old Municipal Building)

MAR 26 2014

TOWN ADMINISTRATOR
TOWN OF FRANKLIN

Open Letter	<p>Open Letter to the Franklin Town Council regarding 150 Emmons Street property (Old Municipal Building)</p> <p>On behalf of the property owners, business owners, customers and citizens of Franklin we urge the Town Council to put on hold any decision to sell the Emmons Street property, including an RFP, for one year.</p> <ol style="list-style-type: none"> 1. We believe it is critical to understand the impact of the new traffic pattern prior to the Council deciding what type of development it would like to see on the site. 2. This would provide the business community and customers with alternative parking during the streetscape project construction. We cannot afford to lose any business during the construction process due to the lack of parking or access to properties. 3. If the Council decides to sell the property after the streetscape is completed it will potentially command a higher value at that time. 4. The property has been in the town's control for over a century. Another year will not make a difference to the financial condition of the town, but a hasty decision will affect the town for years to come. We ask that you give the community time to participate in the decision-making process.
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Printed Name	Signature	Address
1 MARGARET L. MUNSON	<i>Margaret L. Munson</i>	17 Longfellow Drive
2 <i>John DeFrancesco</i>	<i>[Signature]</i>	" " "
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From:  James Hill <jimhill51@yahoo.com> 3/25/2014 7:07:18 AM 
James Hill <jimhill51@yahoo.com>

Subject: 150 Emmons St.

To:  **Jeff Nutting**

Dear Mr. Nutting,

I feel that it is in the best interest of the town to hold onto the Emmons St property at least until the revitalization project is complete. My reasons are as follows:

1. Downtown businesses will need the extra parking during the revitalization project.
2. Franklin tax payers should have more time to propose better uses for the property.
3. Selling the property for commercial use will increase traffic concerns at the corner.
4. Although Franklin owns property in other parts of Franklin ie, Dacey's Field, open space, this particular property is very special due to it's "downtown "gateway" location.
5. Most US economists are predicting 3% growth for 2014. This means the property would be more valuable in a year and the revitalization completion could add to its value.
6. This property has been owned by the town for 100 years. It's an asset that we shouldn't unload for cheap money. I feel that we'll eventually regret it. As a licensed real estate broker, I have no doubt that this property in that location will increase in value during the next few years. I believe it's short sighted to sell it now.

Please feel free to share my concerns with the Town Council and I'll see you on April 2 at the next Town Council meeting.

Thanks for all the hard work you do.

Sincerely, James F. Hill, 5 Gloucester Dr.

From:  Andy Donaldson <andyjdonaldson@me.com> Tue, Mar 25, 2014 6:15:35 AM 

Subject: 150 Emmons Street property

To:  **Jeff Nutting**

Dear Jeff,

As a resident in the town, I wanted to show my support for the 150 Emmons Street property sale / development to await both community proposals to be considered and be cohesive with the new one way system design. This is a great opportunity for the town to guide the downtown to develop in a planned way.

Thank you,

Andrew Donaldson
2 Farm Pond Ln

From:  "Carl Scheinman" <hopms@comcast.net> 3/24/2014 6:53:38 ... 

Subject: Emmonds Street Property


To:  **Jeff Nutting**

Hello Jeff,

I am NOT in favor of selling the property until more study is done and all the proposals are studied.

Carl Scheinman

From:  Revcrosine@aol.com

Mon, Mar 24, 2014 3:18:20 PM 

Subject: 150 Emmons St.

To:  **Jeff Nutting**

Dear Jeff,

I understand that the Town Council is in the process of deciding what to do with the property at 150 Emmons Street and whether it should be sold for commercial development or retained for continued use by the community.

I attended a meeting last week in which we talked about the proposal to have downtown Franklin designated as one of the Massachusetts cultural districts. There was a lot of enthusiasm for the cultural activities currently happening in Franklin and discussion about how to expand this.

I know from personal experience that our church providing classical music performance through Live Arts and folk music through our Circle of Friends Coffeehouse has an impact on the whole town of Franklin. So many people have told me over the years that having cultural activities like this that bring in world-class musicians from across the country is one of the appeals in moving to Franklin and making this their home.

This leads me to ponder the possibilities in the use of 150 Emmons Street. The Franklin Art Association could be leading the way in creating a real cultural center within the heart of Franklin's downtown. They have already been helping us at the church to identify artists to display their work on the art wall in our sanctuary. With the number of music-loving guests who visit our meetinghouse, this art wall has received enormous attention. Just think what it could mean to have permanent opportunities for the display of the visual arts.

These are the things that attract people to Franklin, things that have an economic impact not only through increased traffic through our businesses but also by influencing the decisions of people to actually move to our community. We are far enough away from Boston and western Mass, that having an active cultural life right here could only be a real boost the prestige of Franklin and its economic future.

I hope that the Town Council will give the citizens of Franklin a forum in which possibilities for the use of 150 Emmons Street can be voiced. Selling it for commercial use may give the town immediate cash, but that's just money that will quickly disappear. I hope that instead they will think more creatively about a long-term vision for this property and be open to hearing from more of us.

I hope you will share this with the whole Town Council, Jeff. Thanks.

Sincerely,



Mr. Robert Vallee, Chair
Franklin Town Council
Office of the Town Administrator
355 East Central Street
Franklin, MA 02038

March 18, 2014

page 1 of 3

Dear Mr. Vallee:

The Franklin Downtown Partnership has had thoughtful discussions with many of our members over the last few months regarding the town-owned Emmons Street property. We have listened to the concerns of important downtown stakeholders such as The Franklin Performing Arts Company, Simon's Furniture, Artistry Kitchen and Dean College. These are businesses that have invested heavily in the downtown area and will continue to do so in the future. We have also spoken to residents, downtown business owners, building owners, members of the Downtown Partnership, the Historical Commission and the Franklin Art Association.

There is a consensus among these stakeholders that the town of Franklin should not approach this very important matter hastily and rush into writing an RFP to sell the Emmons Street property, which will serve as an important "Gateway" to downtown Franklin. This was evident during the March 4th town workshop when community members developed several different concepts which did not involve selling the property.

In the opinion of the Partnership, the time required to offer due diligence to the many interesting proposed uses of the property and the immanent physical changes to the downtown infrastructure render the Emmons Street property a subject that requires more time to determine the most beneficial course of action.

Therefore, we are requesting that the Town Council suspend issuance of an RFP for one year until after the following facts are known:

- 1) What the new traffic patterns will be on Emmons Street and West Central after the Streetscape project and the two-way traffic pattern is implemented.**

- a. This information is vital before any new retail is established in this busy intersection and causes additional traffic issues.
- b. The new traffic patterns that will result from the implemented streetscape project will provide the Town with more reliable data to help determine the best means of access to, and circulation within, the Emmons Street Property and to ensure that traffic does not back up to the Davis Thayer School.

2) What the parking needs will be during the next 12 months with the current and new businesses, especially during construction.

- a. It is important to understand the growing parking needs of current businesses before losing the 50 parking spaces to new retail development.
- b. It is critical that the downtown businesses have a place to park during the streetscape project construction.

3) What funding is available for non-commercial development such as greenspace/park, cultural arts center or a combination.

- a. It is important to give the community a chance to develop ideas and research funding sources.

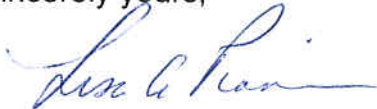
Moving ahead without knowing these facts is not only doing a disservice to the community, but may be devastating to the economic development of the downtown. We believe that the value of this property will increase after the streetscape project is completed so it would be prudent to wait.

The Franklin Downtown Partnership has over 200 members, and our mission over the last 12 years has been to improve the downtown and encourage economic growth by working with residents, business owners, town and community leaders. We feel that this is one of the most important properties in our downtown and we have an opportunity for careful, long-term, creative thinking by the community and town officials. The Emmons Street property is a prominent "gateway" to downtown, and represents an opportunity to substantially impact the downtown's perception and character. The Town is in an advantageous position in that it controls this important piece of real estate. This parcel's development can have a positive impact on the downtown, and by extension, the community at large.

The Downtown Partnership looks forward to working with the Town Council, the Planning Department and community leaders to find creative solutions and funding to develop a "Gateway Property" that everyone will be proud of. We encourage the Council to give the community a chance to support the vision of a vibrant downtown that has been outlined in the Master Plan.

Thank you for your time and consideration regarding this important decision. We believe that only through careful and thoughtful planning will our community determine the best direction for the downtown and this important "Gateway" property.

Sincerely yours,



Franklin Downtown Partnership Board of Directors

Nicole Fortier/Dean Bank, **Joel Carrara**/Printsmart,
Cyndi Rich/Emma's Quilt Cupboard, **Roberta Trahan**/Resident,
Del Arnold/Historical Commission, **Pandora Carlucci**/Franklin School Department,
Gregg Chalk/Dean College, **Jane Curran**/Jane's Frames,
Gary Donelan /Middlesex Savings Bank, **Dave Drucker**/Dean College,
Mary Graff/Berry Insurance, **Scott Martin**/Hockomock YMCA,
Angie McMillan/The Cake Bar, **Jim Schultz**/Resident
Lisa Piana/Executive Director-FDP

LEGISLATION

FOR

ACTION

TOWN OF FRANKLIN

RESOLUTION NO.: 14-05

APPROPRIATION: Fire Detail Account

AMOUNT REQUESTED: \$5,083.47

PURPOSE: To fund a prior year deficit in the Fire Detail Account

FINANCE COMMITTEE ACTION

Meeting Date: n/a **Vote:** n/a

Recommended Amount: n/a

MOTION

Be It Moved and Voted by the Town Council that a transfer from free cash of five thousand, eighty-three dollars and forty-seven cents (\$5,083.47) be made to clear the prior year deficit in the Fire Detail Account.

DATED: _____, 2014

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

A True Record Attest:

Deborah L. Pellegri
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council



PHONE: (508) 520-4925
FAX (508) 541-5253

Town of Franklin Comptroller's Office

355 East Central Street
Franklin, MA 02038-1352

TO: Jeff Nutting
FROM: Susan Gagner
RE: Fire Details
DATE: December 6, 2013

In response to the June 30, 2012 management letter Fire Detail finding, I did an in depth review of the Fire Detail billing process. Over the past year the Fire Department clerical staff has done a great job cleaning up some prior year balances and has been up to date on current year billing and collections. I have reconciled the fire detail account and there is a deficit balance of \$5,083.47. This balance is many years old and there is no history to go back and try to collect these funds. I would like to ask for a free cash transfer, or some other mechanism to fund the shortfall in this account.



**TOWN OF FRANKLIN
RESOLUTION 14-15
REQUEST FOR SPECIAL LEGISLATION, RE: LOCAL SALES
TAX ON SALE OF MEDICAL MARIJUANA**

BE IT RESOLVED that the Town of Franklin (hereinafter: "Town") acting by and through its Town Council hereby petitions the General Court for special legislation authorizing Town to impose a local sales tax on the sale of medical marijuana; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Town Council approves amendments thereto prior to enactment by the General Court.

**AN ACT AUTHORIZING THE TOWN OF FRANKLIN TO IMPOSE A
LOCAL SALES TAX ON THE SALE OF MEDICAL MARIJUANA**

Section 1. (a) Notwithstanding the provisions of Section 6 of Chapter 64H or any other general or special law to the contrary, the Town of Franklin (hereinafter: "Town") is hereby authorized to impose a local sales tax upon (a) the retail sale of medical marijuana sold by a medical marijuana treatment center licensed by the Commonwealth pursuant to Chapter 369 of the Acts of 2012 originating within Town, (b) the wholesale sale of medical marijuana by a treatment center located in Town to another treatment center located in another municipality, (c) the wholesale sale of medical marijuana cultivated in Town to a licensed medical marijuana treatment center located in another municipality, and (d) the wholesale value of medical marijuana cultivated in Town and sold by a licensed medical marijuana treatment center located in another municipality.

Section 2. The sales tax imposed under this Act shall be at a rate of 5 percent of the gross receipts from the retail or wholesale sale of medical marijuana.

Section 3. The sales tax imposed under this section shall be paid to the Treasurer of Town on a quarterly basis.

Section 4. This act shall take effect upon passage.

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

DATED: April _____, 2014

**VOTED:
UNANIMOUS _____**

A True Record Attest:

YES _____ NO _____

ABSTAIN _____

**Deborah L. Pellegrini
Town Clerk**

ABSENT _____

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

OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

DATE: March 28, 2014
TO: Town Council
FROM: Jeffrey D. Nutting, Town Administrator
RE: Rezoning a Portion of Washington Street

You will recall that in January the Council considered rezoning a portion of Washington Street, immediately after Route 495 on the north side of the street. The Council continued the matter to April 2 after discussion of possibly shrinking the size of the proposed change. In the packet is the original proposal, and we have also enclosed a new proposal reducing the size of the land to be rezoned.

If you decide on the smaller area, you should amend the original proposal and refer it to the Planning Board.

Please call with questions.

SPONSOR: *Department of Planning and
Community Development*

TOWN OF FRANKLIN

**ZONING BY-LAW AMENDMENT 14-728
INDUSTRIAL TO SINGLE-FAMILY III**

Changes to § 185-5 Zoning Map

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

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

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

That the Zoning Map of the Town of Franklin be amended by changing from Industrial to Single-family III an area containing 10.92 ± acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

304-064-000	304-068-000	304-071-000
304-065-000	304-069-000	304-073-000
304-067-000	304-070-000	

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

The foregoing Zoning By-law amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2014

A True Record Attest:

Deborah L. Pellegrini
Town Clerk

VOTED:
UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

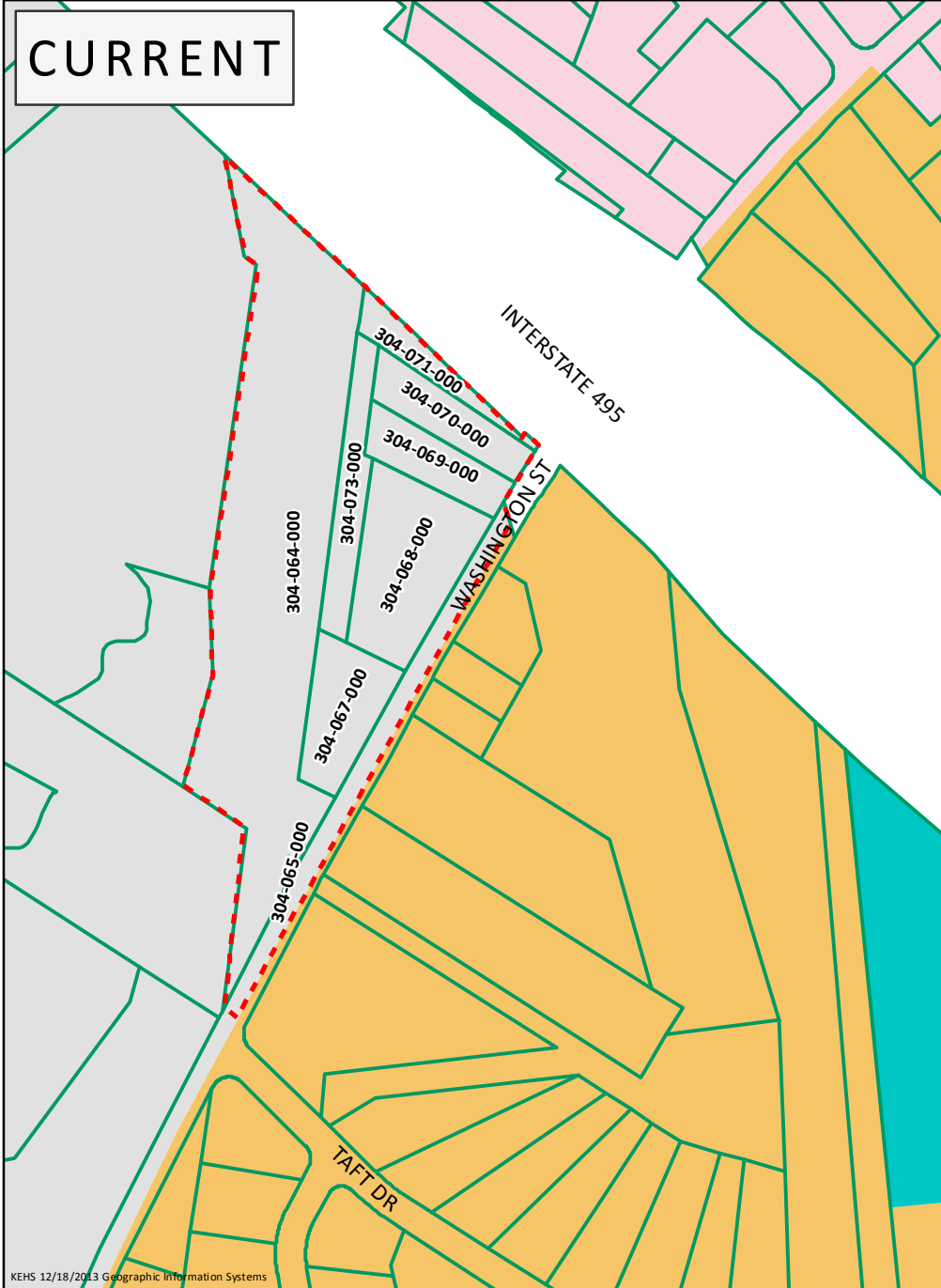
Proposed Zoning Map Changes

Industrial to Single-Family III

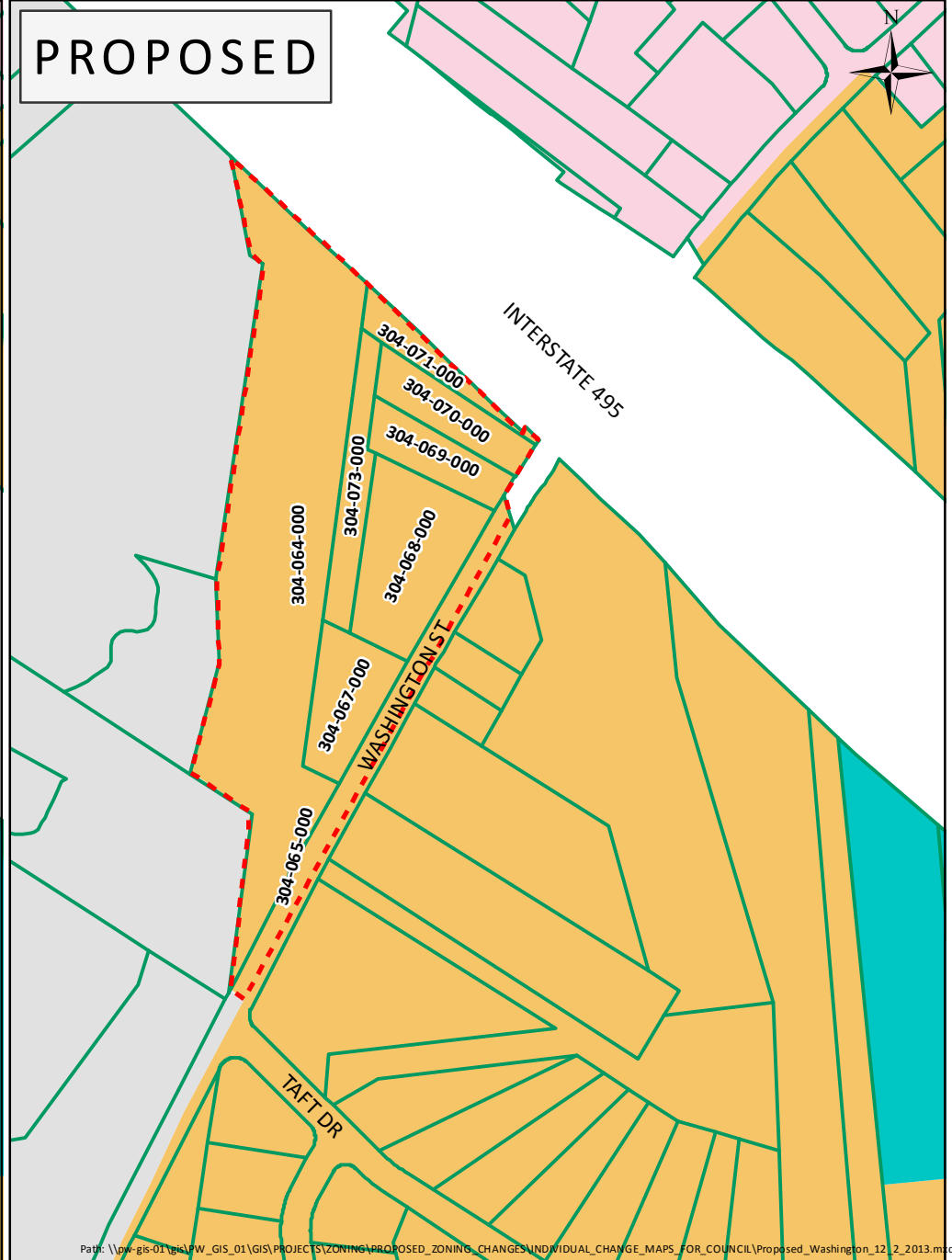
0 112.5 225 450 875 900 Feet

- Parcel Line
- Single-Family III
- Business
- Single-Family IV
- Industrial
- Area of Proposed Changes

CURRENT



PROPOSED



TOWN OF FRANKLIN

**ZONING BY-LAW AMENDMENT 14-728-R
INDUSTRIAL TO SINGLE-FAMILY III**

Changes to § 185-5 Zoning Map

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

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

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

That the Zoning Map of the Town of Franklin be amended by changing from Industrial to Single-family III an area containing 3.99± acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

304-067-000	304-069-000	304-071-000
304-068-000	304-070-000	304-073-000

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

The foregoing Zoning By-law amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2014

A True Record Attest:

Deborah L. Pellegrini
Town Clerk

VOTED:
UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

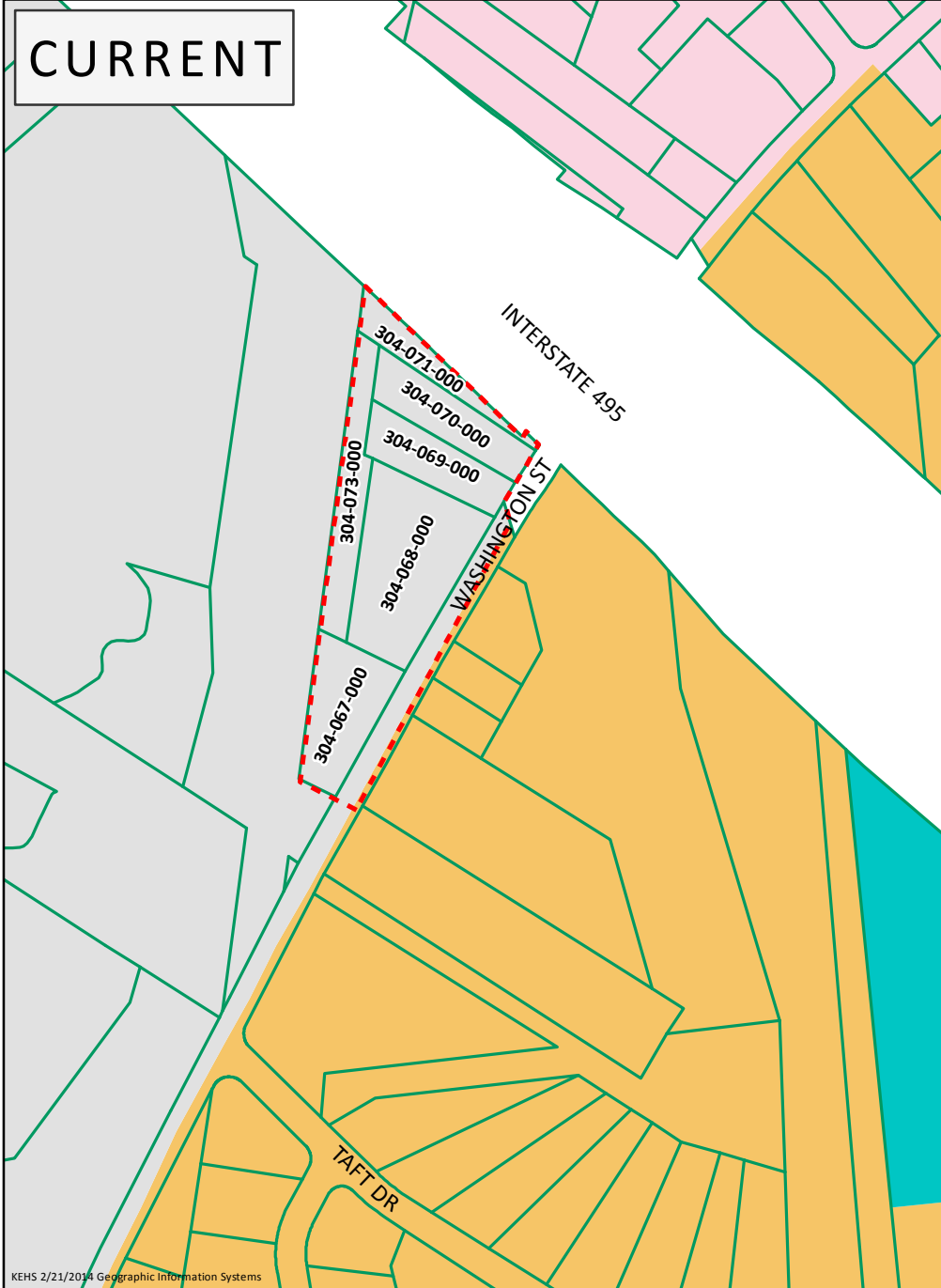
Proposed Zoning Map Changes

Industrial to Single-Family III

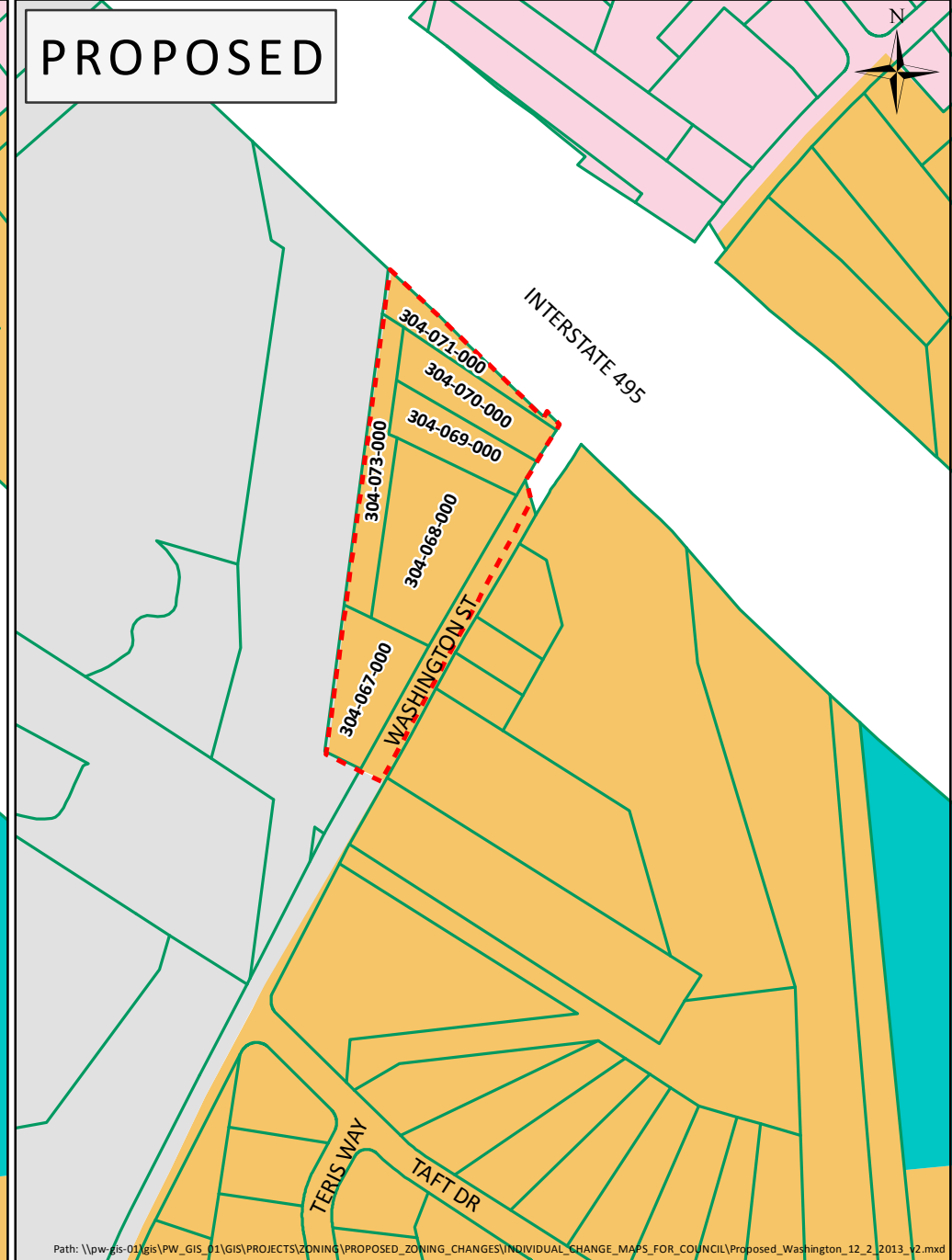
- Parcel Line
- Single-Family III
- Business
- Single-Family IV
- Industrial
- Area of Proposed Changes

0 112.5 225 450 675 900 Feet

CURRENT



PROPOSED



OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

DATE: March 29, 2014
TO: Town Council
FROM: Jeffrey D. Nutting, Town Administrator
RE: Changing Zoning Bylaw on Site Distance and Driveway Separation

Back in February it came to our attention that the current site distance requirement for exiting or entering a commercial/industrial site in Franklin is 400 feet. We are not sure how long this has been in place, but it is not based on any standard. Accordingly, we are suggesting that the bylaw be amended to a standard as outlined in the *MASS DOT 2006 Project Development Design Guide Standards*, which is based on traffic speed and conditions. This will vary from street to street but still allows for safe stopping distances.

The second item that came to our attention was that there is a minimum requirement of 150 feet between entrances if there is parking for more than 20 vehicles. This has never been an issue that anyone can recall until the recent proposed development on Old West Central Street. If an applicant is below the 150 feet, he needs to seek relief from the Zoning Board. We think it makes more sense to put this decision in the hands of the Planning Board since they are charged with site plan and special permits.

SPONSOR:
Administration

TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 14-732
PARKING, LOADING AND DRIVEWAY REQUIREMENTS
A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, SECTION 21.

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended at section of §185-21 Parking, loading, and driveway requirements by adding and ~~deleting~~ the following text:

§185-21.C.(7) The following shall apply to entrances or exits to all parking areas having 20 or more parking spaces:

- (a) Entrance or exit center lines shall not fall within 50 feet of an intersection of street side lines or within 150 feet of the center line of any other parking area entrance or exit on the same side of the street, whether on the same parcel or not, if serving 20 or more spaces. Users shall arrange for shared egress if necessary to meet these requirements.
- ~~(b) Egressing vehicles shall have 400 feet of visibility in each travel direction.~~
- (b) The Planning Board may issue a special permit reducing the requirements of §185-21.C.(7).(a), upon its determination that, as a result of offsite conditions beyond the developers control, a proposed development cannot practicably meet them, but that the proposed development nonetheless adequately addresses vehicular ingress and egress, including both traffic flow and public safety. The Board may require additional mitigation measures as an alternative.
- (c) Sight distance for exiting vehicles shall comply with Stopping Sight Distance (SSD) and Intersection Sight Distance (ISD) as defined by the Massachusetts Department of Transportation in its 2006 Project Development and Design Guide.

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: _____, 2014

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

A True Record Attest:

Deborah L. Pellegrini
Town Clerk

Judith Pond Pfeffer, Clerk