



## FRANKLIN TOWN COUNCIL

May 07, 2014

7:00 PM

### A. APPROVAL OF MINUTES

**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** – *Disabilities Commission*

### F. HEARINGS – 7:10 PM

1. *Zoning Bylaw Amendment 14-728-R: Industrial to Single-Family III*
2. *Zoning Bylaw Amendment 14-732: Amendment to the Franklin Town Code at Chapter 185, Section 21. Parking, Loading, and driveway requirements*
3. *Zoning Bylaw Amendment 14-733: Zoning Map changes from Commercial I to Downtown Commercial District in an Area on or Near Alpine Row*
4. *Zoning Bylaw Amendment 14-734: Zoning Map Changes from Industrial to General Residential V District in an Area on or Near Josephine Street*

### G. LICENSE TRANSACTIONS

**H. PRESENTATIONS/DISCUSSIONS** – *Available Alcoholic Beverages(Package Store) Licenses*

Karen Alves, Senior Center Update

### I. SUBCOMMITTEE REPORTS

### J. LEGISLATION FOR ACTION

1. *Resolution 14-32: Appropriation: Wachusett/Upper Union House Demolitions*
2. *Resolution 14-33: Appropriation: Recreation – Expenses*
3. *Resolution 14-34: Appropriation: Postage*
4. *Zoning Bylaw Amendment 14-728-R: Industrial to Single-Family III-1<sup>st</sup> Reading*
5. *Zoning Bylaw Amendment 14-732: Amendment to the Franklin Town Code at Chapter 185, Section 21. Parking, Loading, and driveway requirements- 1<sup>st</sup> Reading*
6. *Zoning Bylaw Amendment 14-733: Zoning Map changes from Commercial I to Downtown Commercial District in an Area on or Near Alpine Row-1<sup>st</sup> Reading*
7. *Zoning Bylaw Amendment 14-734: Zoning Map Changes from Industrial to General Residential V District in an Area on or Near Josephine Street-1<sup>st</sup> Reading*
8. *Resolution 14-35: Compensation Plan*

### 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



## APPOINTMENTS

### Franklin Disability Commission

Martha Murray  
10 Sahlin Circle Franklin

The Franklin Disability Commission has recommended Martha Murray to serve as a member of the Commission, term to expire June 2016.

**MOTION** to ratify the appointment by the Town Administrator of Martha Murray to serve as a member of the Franklin Disability Commission.

**DATED:** \_\_\_\_\_, 2014

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

**Deborah L. Pellegrini**  
**Town Clerk**

**ABSTAIN** \_\_\_\_\_

**ABSENT** \_\_\_\_\_

---

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

RECEIVED

JAN 7 2014

TOWN ADMINISTRATOR  
TOWN OF FRANKLIN



TOWN OF FRANKLIN  
BOARD/COMMITTEE VOLUNTEER FORM

If you are interested in volunteering by serving on a Town Board/Committee, please complete this form and return it the Town Administrator's Office located at 355 East Central Street, Franklin MA. For inquires call 508-520-4949.

Name: MARTHA MURPHY  
Address: 10 SADDLE CREEK FRANKLIN

Day Telephone: 508 533 4675 Evening Telephone: SAME

List the Board/Committee (s) you are interested in: FRANKLIN DISABILITIES COMMISSION

Present Business Affiliation and work: RN AT MILFORD REGIONAL MEDICAL CENTER

Government Experience: NONE

Education of Special Training: Respiratory Therapist & Registered Nurse  
Educator For AMERICAN Red Cross CPR & PALS TRAINING

Positions previously held in town government: NONE

How much time would you be willing to donate: SEVERAL HOURS

What days of the week and hours would you be available: MOST EVENINGS DURING THE WEEK

Comment on why you are interested in serving a particular committee and what you think you could contribute: I AM A LONG TIME ADVOCATE ON A PERSONAL AS WELL AS PROFESSIONAL LEVEL, OF THE DISABLED AND ELDERLY. I HAVE A WORKING UNDERSTANDING OF DISABILITY ISSUES. I ALSO HAVE A GREAT UNDERSTANDING OF THE CHALLENGES THE DISABLED FACE. I AM VERY INTERESTED IN THIS POSITION AND WOULD LIKE TO BE CONSIDERED AS A CANDIDATE.

Information received will be available to the Board and Committees that you list. To find out more about a Board/Committee click on link: [Boards & Committees](#)

FEBRUARY 22, 2014

DEAR MR. JEFFREY NOTTING,

IN BEHALF OF THE DISABILITY  
COMMISSION AND MYSELF, WE WOULD  
LIKE TO RECOMMEND MRS. MARTHA MURRAY  
FOR AN APPOINTMENT TO THE COMMISSION.

MARTHA HAS A GREAT DEAL OF  
EXPERIENCE WITH DISABILITIES AND  
HOW PEOPLE ARE DEALING WITH THEM.  
SHE IS ANXIOUS TO COME ABOARD AND  
SHARE HER IDEAS AND EXPERIENCES.

THANK YOU IN ADVANCE  
FOR YOUR CONSIDERATION!

SINCERELY,  
Mary E. O'Leary Chair. Disab. Com.

RECEIVED

MAR 5 2014

TOWN ADMINISTRATOR  
TOWN OF FRANKLIN

**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** \_\_\_\_\_

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

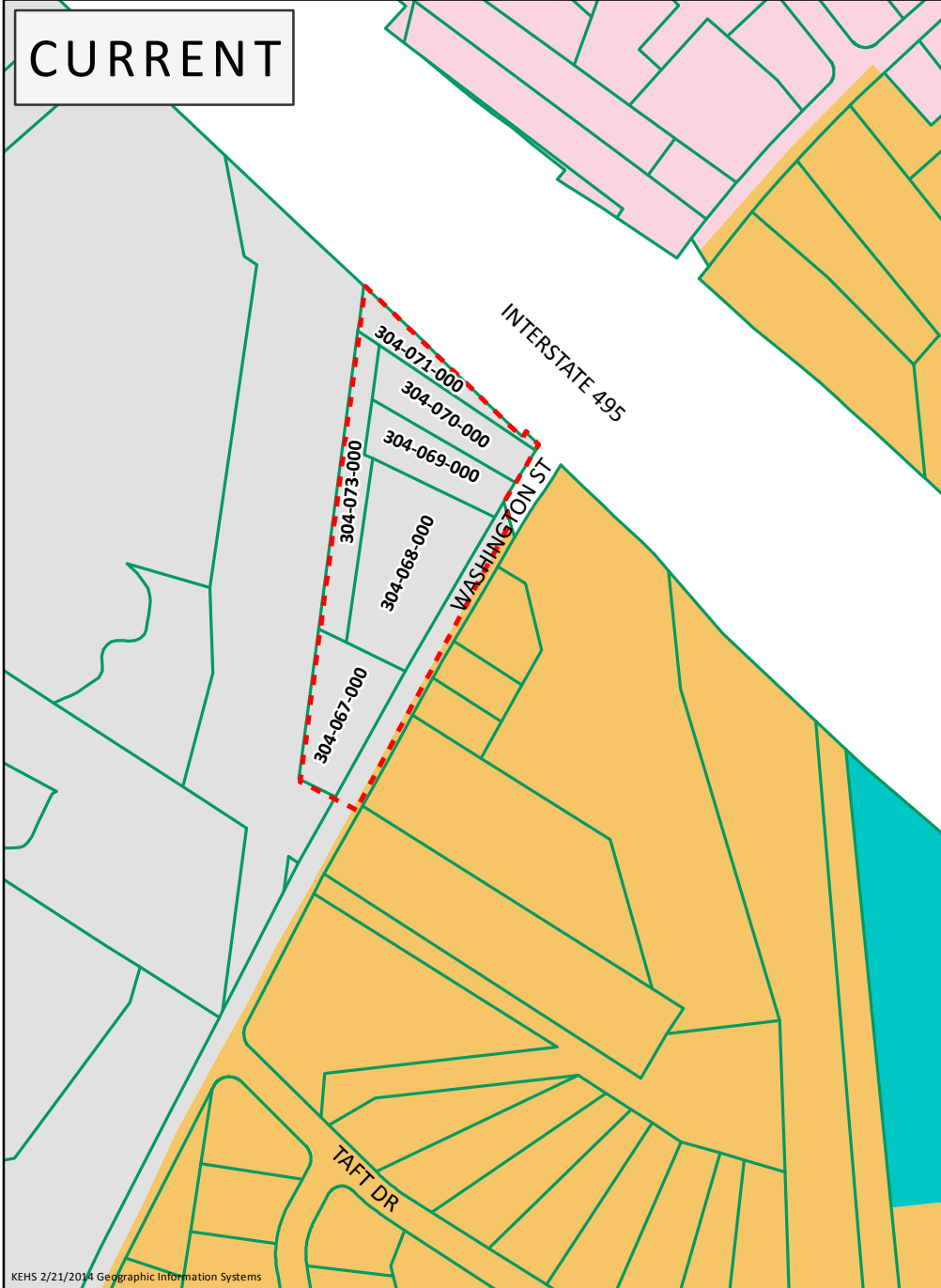
# Proposed Zoning Map Changes

## Industrial to Single-Family III

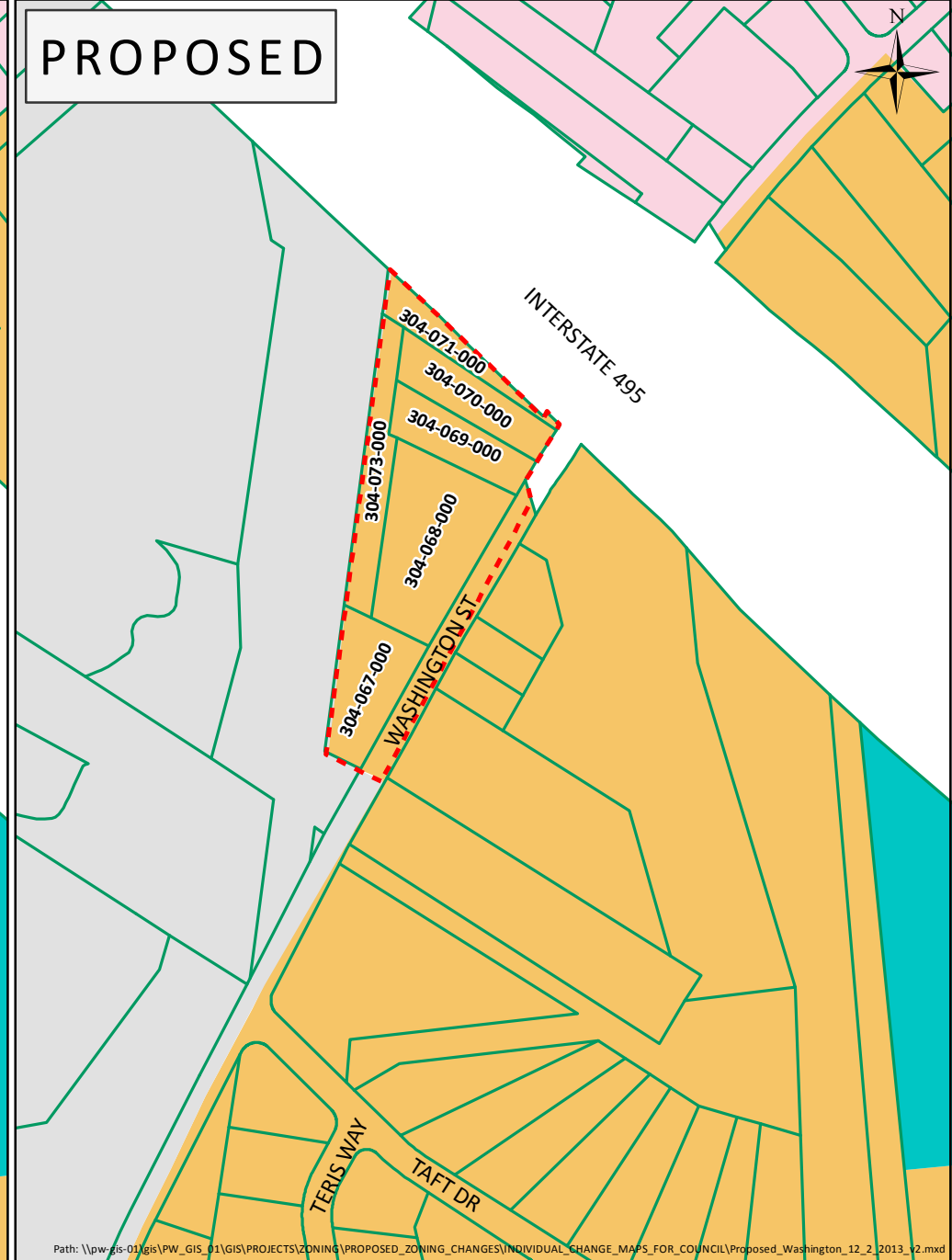
- Parcel Line
- Single-Family III
- Business
- Single-Family IV
- Industrial
- Area of Proposed Changes

0 112.5 225 450 675 900 Feet

CURRENT



PROPOSED



# Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



## Planning Board

355 East Central Street  
Franklin, Massachusetts 02038-1352

April 29, 2014

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

2014 APR 29 PM 3:50

### CERTIFICATE OF VOTE

Zoning By-law Amendment #14-728-R:  
§185-5. Zoning Map – Industrial to Single Family III  
(rezoning of six parcels along Washington Street)

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

Dear Mrs. Pellegrini:

Please be advised that at its meeting on Monday, April 28, 2014 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 Amendment #14-728-R: §185-5. Zoning Map – Industrial to Single Family III.

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

Sincerely,

Anthony Padula  
Chairman

cc: Town Council  
Town Administrator

Attachment

# OFFICE OF THE TOWN ADMINISTRATOR

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## MEMORANDUM

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**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.

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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**

# Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



Planning Board  
355 East Central Street  
Franklin, Massachusetts 02038-1352

April 29, 2014

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

RECEIVED  
2014 APR 29 PM 3:50

## CERTIFICATE OF VOTE

Zoning By-law Amendment #14-732

Chapter 185-21. Parking, Loading, and driveway requirements (changes to sight distance requirements)

**Petitioner:** Town Administrator

Dear Mrs. Pellegrini:

Please be advised that at its meeting on Monday, April 28, 2014 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 Amendment #14-732, changes to Chapter 185-21. Parking, Loading, and driveway requirements.

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

Sincerely,

Anthony Padula  
Chairman

cc: Town Council  
Town Administrator

Attachment

SPONSOR: *Town Administration*

**TOWN OF FRANKLIN  
ZONING BY-LAW AMENDMENT 14-733  
ZONING MAP CHANGES FROM COMMERCIAL I TO DOWNTOWN  
COMMERCIAL DISTRICT IN AN AREA ON OR NEAR ALPINE ROW**

**Changes to § 185-5 Zoning Map**

**A ZONING BY-LAW AMENDMENT TO THE CODE OF THE TOWN OF FRANKLIN  
AT CHAPTER 185 SECTION 5, ZONING MAP  
BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:**

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

The Zoning Map of the Town of Franklin be amended by changing from Commercial I to Downtown Commercial District an area containing 1.70± acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Number

279-180-000	279-182-000	279-184-000
279-181-000	279-183-000	279-185-000

And the Zoning Map of the Town of Franklin be amended by changing from Commercial I and Downtown Commercial District to Downtown Commercial District an area containing 1.72± acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Number

279-171-000  
279-174-000

The area to be rezoned is shown on the attached zoning map (“Zoning Map - Alpine Row Area”).

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:**

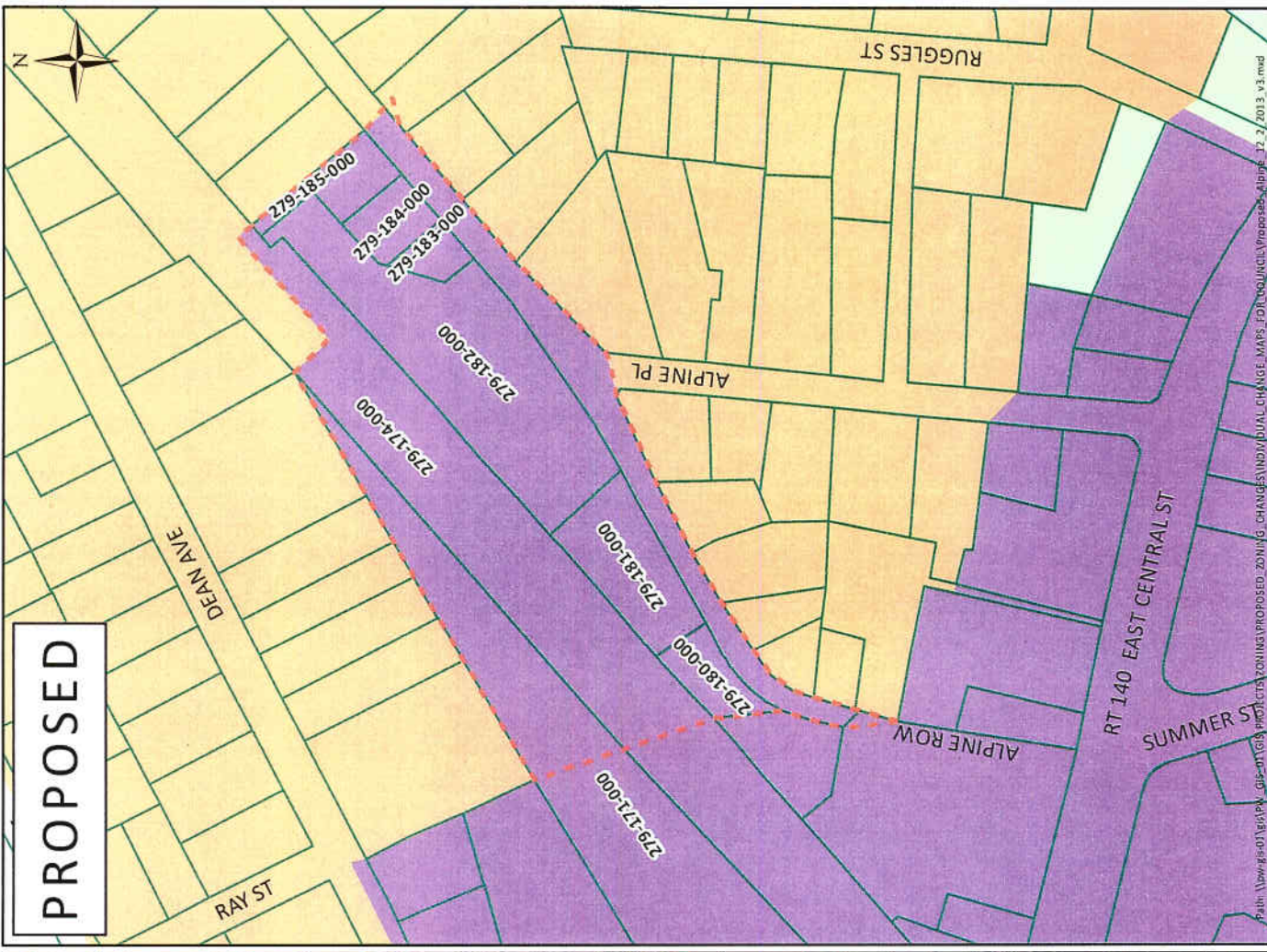
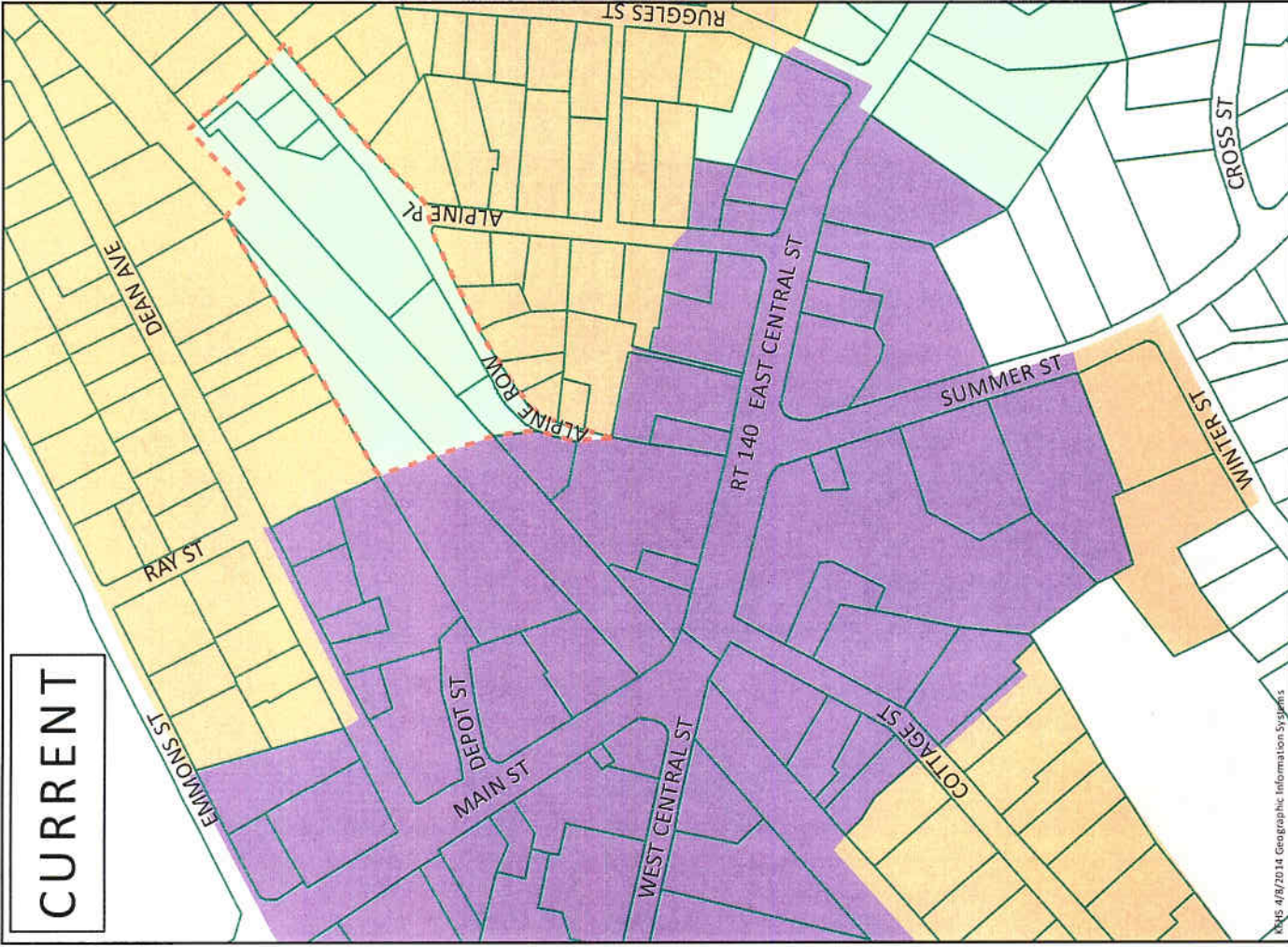
**Deborah L. Pellegrini**  
**Town Clerk**

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

# Zoning Map - Alpine Row Area

Commercial I to Downtown Commercial District

-  General Residential V
-  Single-Family IV
-  Commercial I
-  Downtown Commercial District
-  Area of Proposed Changes



# Town of Franklin

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Fax: (508) 520-4906



## Planning Board

355 East Central Street  
Franklin, Massachusetts 02038-1352

April 29, 2014

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

2014 APR 29 PM 3:50

### **CERTIFICATE OF VOTE**

Zoning By-law Amendment #14-733:

§185-5. Zoning Map – Commercial I to Downtown Commercial and from Commercial I and Downtown Commercial District to Downtown Commercial District  
(rezoning of eight parcels along or around the area of Alpine Row)

**Petitioner:** Town Administration

Dear Mrs. Pellegrini:

Please be advised that at its meeting on Monday, April 28, 2014 the Planning Board, upon motion duly made and seconded, voted (4-0-0) to **RECOMMEND**, as presented, to the Town Council the adoption of Zoning By-law Amendment #14-733: §185-5. Zoning Map – Commercial I to Downtown Commercial and from Commercial I and Downtown Commercial District to Downtown Commercial District.

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

Sincerely,

Anthony Padula  
Chairman

cc: Town Council  
Town Administrator

Attachment

SPONSOR: *Town Administration*

**TOWN OF FRANKLIN  
ZONING BY-LAW AMENDMENT 14-734**

**ZONING MAP CHANGES FROM INDUSTRIAL TO GENERAL RESIDENTIAL V  
DISTRICT IN AN AREA ON OR NEAR JOSEPHINE STREET**

**Changes to § 185-5 Zoning Map**

**A ZONING BY-LAW AMENDMENT TO THE CODE OF THE TOWN OF  
FRANKLIN AT CHAPTER 185 SECTION 5, ZONING MAP**

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:**

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

The Zoning Map of the Town of Franklin be amended by changing from Industrial to General Residential V an area containing 13.57± acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

<u>Parcel Number</u>		
279-190-000	279-197-000	280-001-000
279-195-000	279-198-000	280-002-000
279-196-000	279-199-000	

The area to be rezoned is shown on the attached zoning map (“Zoning Map – Josephine St. Area”).

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** \_\_\_\_\_

**A True Record Attest:**

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

**Deborah L. Pellegri**  
**Town Clerk**

**ABSTAIN** \_\_\_\_\_

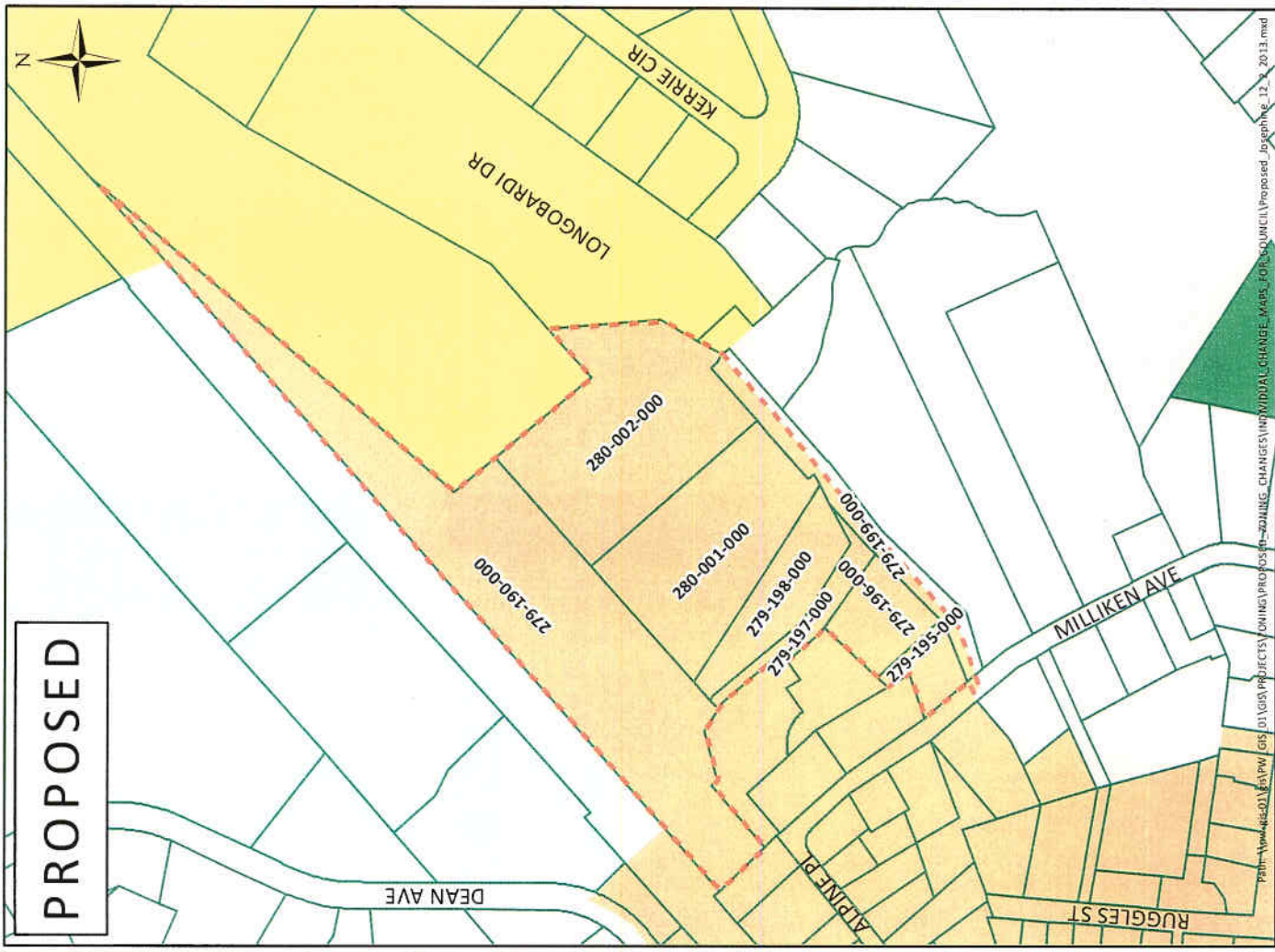
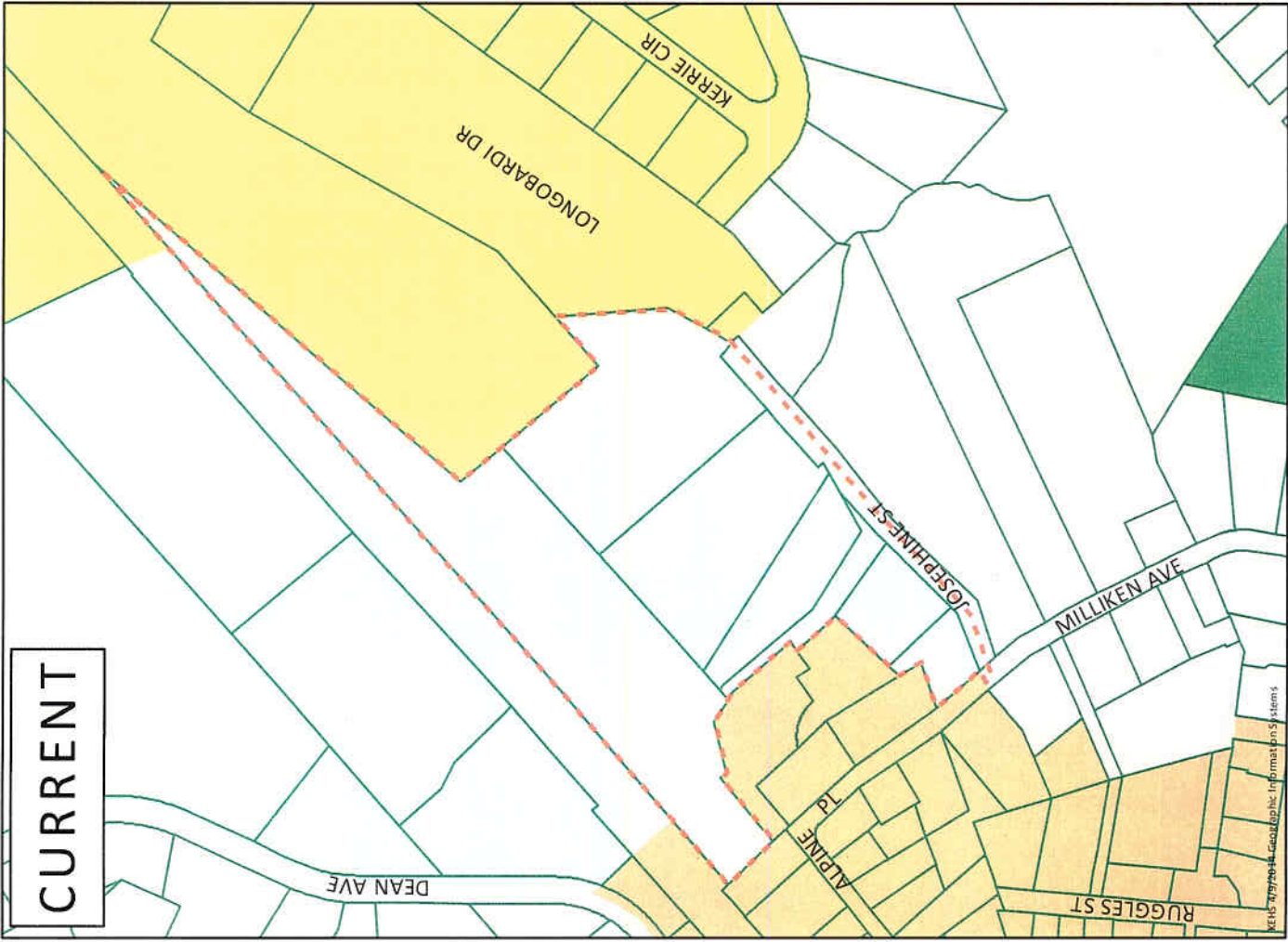
**ABSENT** \_\_\_\_\_

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

# Zoning Map - Josephine St. Area

## Industrial to General Residential V



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

**PROPOSED**

**CURRENT**

# Town of Franklin

Tel: (508) 520-4907



Fax: (508) 520-4906

## Planning Board

355 East Central Street  
Franklin, Massachusetts 02038-1352

RECEIVED  
2014 APR 29 PM 3:50

April 29, 2014

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

### **CERTIFICATE OF VOTE**

Zoning By-law Amendment #14-734:

§185-5. Zoning Map – from Industrial to General Residential V (rezoning of eight parcels along or around the area of Josephine Street)

**Petitioner:** Town Administration

Dear Mrs. Pellegrini:

Please be advised that at its meeting on Monday, April 28, 2014 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 Amendment #14-734: §185-5. Zoning Map – from Industrial to General Residential V.

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

Sincerely,

Anthony Padula  
Chairman

cc: Town Council  
Town Administrator

Attachment



# Office of the Town Administrator



## MEMORANDUM

**Date:** April 2, 2014  
**To:** Town Council  
**From:** JDN  
**Subject:** Issuing Available Alcoholic Beverages (Package Store) Licenses

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In order to provide an opportunity to all potential businesses to compete for an available\* Liquor or Beer and Wine license, the Town Council wishes to adopt the following process. When the Town Administrator becomes aware of an available license he/she shall:

- Give notice to Town Council at the next Council meeting.
- Advertise the availability of the license via the Town Web page and other appropriate means.
  - The advertisement will state the date the applications must be submitted and the hearing date before the Town Council.
- Conduct a hearing at which the applicants will be allowed to make their case before the Council in support of their application.
- Council will make a determination whether a public need exists\*\* based on a set of criteria which may include:
  1. Proximity of existing establishments.
  2. Will the license be used to enhance the economic development of a neighborhood?
  3. Impact on neighborhood.
  4. Is it near a school or place of worship?
  5. Other?

\*Available: either because census results in additional license or existing licensee surrenders license.

\*\*Council may determine that no public need exists, notwithstanding applicant(s)

time to elapse before changing position. "It would be manifestly unfair to the plaintiff," the judge wrote in a supplementary memorandum of decision and order, "at this late date to remand the case to the [l]icensing [b]oard to allow the [b]oard to rewrite [s] its findings." The judge denied the supplemental motion to correct the record and the motion to remand the case to the board or to reinstate the board's decision.

[1] 2. *Status of appeal.* The licensing board filed its notice of appeal on September 9, 1997, from the judgment entered in the Superior Court, after the board's motion for reconsideration had been denied. On November 24, 1997, the board filed a supplemental motion to correct the record.<sup>4</sup> In support of the supplemental motion, the board filed a memorandum in which it asked the court to remand the matter to the board "for clarification of the [b]oard's findings" and, in the alternative, to "hold that the decision of the [board] was not in error, nor was it arbitrary or capricious, and order the decision of the [b]oard denying the application for an all-alcoholic beverages license [be] reinstated."

In terms of the relief requested, the board's memorandum sounds as if made in support of a motion under Mass.R.Civ.P. 59(e), 365 Mass. 828 (1974). Were that the nature of the motion of November 24, 1997, the notice of appeal earlier filed would be of no effect; i.e., it would have self-destructed. Mass.R.A.P. 4(a), 393 Mass. 1240 (1985). *Anthony v. Anthony*, 21 Mass.App.Ct. 299, 300-303, 486 N.E.2d 773 (1985). This appeal, in consequence, would be dismissed. *Blackburn v. Blackburn*, 22 Mass.App.Ct. 633, 634-635, 495 N.E.2d 900 (1986). Looking back at the underlying motion, however, it is limited to asking, under Mass.R.A.P. 8(e), 378 Mass. 934 (1979), for correction of the record

4. That motion superseded an earlier motion to correct the record filed on November 12, 1997.

going up on appeal. The relief requested in the supporting memorandum is without foundation in the underlying motion, and the board's appeal, therefore, is properly before us.

[2, 3] 3. *The judgment to issue the license.* A complaint in the nature of certiorari (G.L. c. 249, § 4), was, in the absence of a path prescribed by statute, the appropriate avenue of review from a discretionary decision of a local licensing authority. *Bermant v. Selectmen of Belcher-town*, 425 Mass. 400, 404, 681 N.E.2d 830 (1997). *Newbury Junior College v. Brookline*, 19 Mass.App.Ct. 197, 201, 472 N.E.2d 1373 (1985). *Yerardi's Moody St. Restaurant & Lounge, Inc. v. Selectmen of Randolph*, 19 Mass.App.Ct. 296, 297, 473 N.E.2d 1154 (1985).<sup>5</sup> The statute [s] authorizing the issuance of liquor licenses speaks in terms of serving

"the public need and in such a manner as to protect the common good and, to that end, to provide, in the opinion of the licensing authorities, an adequate number of places at which the public may obtain, in the manner and for the kind of use indicated, the different sorts of beverages for the sale of which provision is made."

G.L. c. 138, § 23, as amended by St.1965, c. 399.

[4-9] Need, in the literal sense of requirement, is not what the statute is about. Rather, the test includes an assessment of public want and the appropriateness of a liquor license at a particular location. For example, one might hesitate to authorize a license for a bar across the street from a public school. *Connolly v. Alcoholic Bevs. Control Comm'n.*, 334 Mass. 613, 617-618, 138 N.E.2d 131 (1956). Consideration of the number of existing dispensaries in a locality is a proper concern, *Victoria, Inc. v. Alcoholic Bevs. Control Comm'n.*, 33

5. Hungry I had exhausted its administrative remedies upon the issuance of the board's second rejection. See *Largess v. Nore's, Inc.*, 341 Mass. 438, 442, 170 N.E.2d 361 (1960).

LEGISLATION

FOR

ACTION

# OFFICE OF THE TOWN ADMINISTRATOR

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## MEMORANDUM

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**DATE:** May 2, 2014  
**TO:** Town Council  
**FROM:** Jeffrey D. Nutting, Town Administrator  
**RE:** Transfer of Funds for the Demolition of Two Properties

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As of the end of May, the Town will have ownership of the house and land at 92 Wachusett Street and through tax title foreclosure a house at 834 Upper Union Street. I am requesting the transfer of \$15,000 from the funds appropriated to take down the house on Beaver Street to be used to demolish these structures.

**TOWN OF FRANKLIN**

**RESOLUTION NO.:** 14-32

**APPROPRIATION:** Wachusett/Upper Union-House Demolitions

**AMOUNT REQUESTED:** \$ 15,000

**PURPOSE:** To appropriate funds to demolish houses on Wachusett and Upper Union.

**FINANCE COMMITTEE ACTION**

**Meeting Date:** 5/6/2014 **Vote:**

**Recommended Amount:** \$ 15,000

**MOTION**

Be It Moved and Voted by the Town Council that the sum of Fifteen thousand dollars (\$15,000.00) be transferred from Account 01923903-580000 Beaver St Purchase/House Demolition (R 13-40), to the Wachusett/Upper Union – House Demolitions

**DATED:** \_\_\_\_\_, 2014

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

**ABSTAIN** \_\_\_\_\_

**ABSENT** \_\_\_\_\_

**A True Record Attest:**

**Deborah L. Pellegri**  
**Town Clerk**

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

**TOWN OF FRANKLIN**

**RESOLUTION NO.:** 14-33

**APPROPRIATION:** Recreation-Expenses

**AMOUNT REQUESTED:** \$ 7,000

**PURPOSE:** To appropriate from Free Cash to the Recreation 2014 Expense Budget

**FINANCE COMMITTEE ACTION**

**Meeting Date:** 5/6/2014 **Vote:**

**Recommended Amount:** \$ 7,000

**MOTION**

Be It Moved and Voted by the Town Council that the sum of Seven thousand dollars (\$7,000.00) be transferred from Available Funds (Free Cash) to the FY 2014 Recreation Expenses- Programs 01630200-530910.

**DATED:** \_\_\_\_\_, 2014

**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  
TREASURER-COLLECTOR  
P.O. BOX 367 • 355 EAST CENTRAL ST.  
FRANKLIN, MA 02038**

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**JAMES P. DACEY, TREASURER-COLLECTOR  
TELEPHONE (508) 520-4950  
FAX (508) 520-4923**

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Date: May 1, 2014  
To: Jeff Nutting  
From: Jim Dacey   
Re: **Postage Account**

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As of May 1 the postage account has a balance of \$19,601. Postage bills from our bill printing company for mailing out tax and water bills for the remainder of the year will be in the neighborhood of \$12,000 to \$13,000. The amount used by our postage machine averages \$3,500 monthly. We expect that to increase over the final 2 months of FY14 because of 3 to 4 large certified mailings by ZBA and Assessors and a large mailing by DPW.

There was also a 4% increase in metered postage in January and a 7% increase in the cost of certified mail.

I am asking for a transfer of \$10,000 into the postage account to cover the postage costs for the remainder of the year..

**TOWN OF FRANKLIN**

**RESOLUTION NO.:** 14-34

**APPROPRIATION:** Central Services - Postage

**AMOUNT REQUESTED:** \$ 10,000

**PURPOSE:** To appropriate from Free Cash to the Central Services 2014 Expense Budget

**FINANCE COMMITTEE ACTION**

**Meeting Date:** 5/6/2014 **Vote:**

**Recommended Amount:** \$ 10,000

**MOTION**

Be It Moved and Voted by the Town Council that the sum of Ten thousand dollars (\$10,000.00) be transferred from Available Funds (Free Cash) to the FY 2014 Central Services Expenses- Postage 01196200-534010.

**DATED:** \_\_\_\_\_, 2014

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

**ABSTAIN** \_\_\_\_\_

**ABSENT** \_\_\_\_\_

**A True Record Attest:**

**Deborah L. Pellegrini**  
Town Clerk

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



**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.

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**DATED:** \_\_\_\_\_, 2014

**VOTED:**  
**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

**Deborah L. Pellegrini**  
**Town Clerk**

**ABSTAIN** \_\_\_\_\_

**ABSENT** \_\_\_\_\_

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

**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.

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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

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**Judith Pond Pfeffer, Clerk**

SPONSOR: *Town Administration*

**TOWN OF FRANKLIN  
ZONING BY-LAW AMENDMENT 14-733  
ZONING MAP CHANGES FROM COMMERCIAL I TO DOWNTOWN  
COMMERCIAL DISTRICT IN AN AREA ON OR NEAR ALPINE ROW**

**Changes to § 185-5 Zoning Map**

**A ZONING BY-LAW AMENDMENT TO THE CODE OF THE TOWN OF FRANKLIN  
AT CHAPTER 185 SECTION 5, ZONING MAP  
BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:**

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

The Zoning Map of the Town of Franklin be amended by changing from Commercial I to Downtown Commercial District an area containing 1.70± acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Number

279-180-000	279-182-000	279-184-000
279-181-000	279-183-000	279-185-000

And the Zoning Map of the Town of Franklin be amended by changing from Commercial I and Downtown Commercial District to Downtown Commercial District an area containing 1.72± acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Number

279-171-000  
279-174-000

The area to be rezoned is shown on the attached zoning map (“Zoning Map - Alpine Row Area”).

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**

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

SPONSOR: *Town Administration*

**TOWN OF FRANKLIN  
ZONING BY-LAW AMENDMENT 14-734**

**ZONING MAP CHANGES FROM INDUSTRIAL TO GENERAL RESIDENTIAL V  
DISTRICT IN AN AREA ON OR NEAR JOSEPHINE STREET**

**Changes to § 185-5 Zoning Map**

**A ZONING BY-LAW AMENDMENT TO THE CODE OF THE TOWN OF  
FRANKLIN AT CHAPTER 185 SECTION 5, ZONING MAP**

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:**

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

The Zoning Map of the Town of Franklin be amended by changing from Industrial to General Residential V an area containing 13.57± acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

<u>Parcel Number</u>		
279-190-000	279-197-000	280-001-000
279-195-000	279-198-000	280-002-000
279-196-000	279-199-000	

The area to be rezoned is shown on the attached zoning map (“Zoning Map – Josephine St. Area”).

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.

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**DATED:** \_\_\_\_\_, 2014

**VOTED:**  
**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

**Deborah L. Pellegri**  
**Town Clerk**

**ABSTAIN** \_\_\_\_\_

**ABSENT** \_\_\_\_\_

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



TO: Jeffrey Nutting, Town Administrator  
FROM: Stephanie Lutz, Human Resources  
DATE: May 5, 2014  
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, which provides the potential range (minimum to maximum) of pay for each position, was last adjusted in May of 2013 for FY14.

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

- Actions by other similar municipalities: Communities are providing 2 and 3% increases, mixed with similar increases in collective bargaining agreements.
- Prior Year Actions:

	Change in CPI	Increase to Mins and Maxs
FY11	2.0%	0%
FY12	2.0	0
FY13	2.9	2
FY14	1.5	2%

- Union employees of the Municipal Workforce have their pay ranges and pay increases determined by collective bargaining agreements.
  - In FY14 union wages increased by 2% in July 2013.
    - Eight municipal contracts through FY15 have been settled, but Fire still has not been resolved.
  - The FY15 increase for the eight contracts settled is 2.5%.
  
- The CPI-U Boston Area from March 2013 is 1.7%

A recent survey of our competitive market place (communities of similar size and demographics) for key positions shows that our ranges have lost their competitive position. We find that the average pay reported for these positions is at or near the maximum of our ranges. Over the coming years, we anticipate a significant turnover of senior staff through retirements. We will then be competing for experienced employees with other communities facing the same challenge. The plan for future compensation needs is best reviewed independently of the need to advertise and make a job and salary offer.

Recommendation: Increase the minimums and maximums of ranges by 2.0%. While this will not match the municipal marketplace increases, it will keep our ranges from falling further behind in their competitive position for professional and managerial positions.

This modest increase is recommended to place our compensation for key position competitive in the municipal marketplace, which enables us to attract and retain qualified candidates.

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

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



**TOWN OF FRANKLIN**

**RESOLUTION 14-35**

**Compensation Plan  
FY 2015**

**Whereas:** The Human Resources Director, pursuant to Chapter 25 of the Code of the Town of Franklin, has reviewed the Compensation Plan which establishes minimum and maximum salaries for pay ranges;

**Whereas:** This pay plan shall be submitted to the Town Council for approval prior to implementation.

**NOW THEREFORE BE IT** enacted by the Town Council of the Town of Franklin that the Compensation Plan is hereby adopted as attached.

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

**DATED:** \_\_\_\_\_, 2014

**VOTED:**  
**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

**Deborah L. Pellegri  
Town Clerk**

**ABSTAIN** \_\_\_\_\_

**ABSENT** \_\_\_\_\_

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

Classification Plan		Compensation Plan			Compensation Plan			Classification Plan	
		Min	FY14	Max	Min	FY15	Max		
	Position Title								Position Title
G1	Library Page Gate Guard Poll Worker Concession Stand Sales Person Referee	\$9.25	\$10.95	\$12.63	\$9.44	\$11.17	\$12.88	G1	Library Page Gate Guard Poll Worker Concession Stand Sales Person Referee
		\$16,934	\$20,015	\$23,096	\$17,272	\$20,415	\$23,558		
G2	Seasonal Labor, Arts/Crafts Instructors Camp/Program Counselor Life Guard Cook Supportive Day Program Assistant	\$10.14	\$11.96	\$13.79	\$10.34	\$12.20	\$14.06	G2	Seasonal Labor, Arts/Crafts Instructors Camp/Program Counselor Life Guard Cook Supportive Day Program Assistant
		\$18,485.2	\$21,843.3	\$25,201.4	\$18,855	\$22,280	\$25,705		
G3	(Life Guard) Instructor	\$11.09	\$13.07	\$15.07	\$11.31	\$13.33	\$15.37	G3	(Life Guard) Instructor
		\$20,202	\$23,867	\$27,533	\$20,606	\$24,345	\$28,083		
G4	Office Assistant I	\$12.03	\$14.24	\$16.44	\$12.27	\$14.52	\$16.77	G4	Office Assistant I
		\$22,060	\$26,062	\$30,065	\$22,501	\$26,583	\$30,666		
G5	Matron, Senior Camp/Program Counselor Office Assistant II	\$13.17	\$15.57	\$17.96	\$13.44	\$15.88	\$18.32	G5	Matron, Senior Camp/Program Counselor Office Assistant II
		\$24,088	\$28,455	\$32,822	\$24,570	\$29,024	\$33,478		
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	\$14.37	\$16.99	\$19.61	\$14.66	\$17.33	\$20.00	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
		\$26,281	\$31,057	\$35,833	\$26,807	\$31,678	\$36,550		
G7	Engineering Aide, Van/Bus Driver, Program Coordinator	\$15.71	\$18.56	\$21.41	\$16.03	\$18.93	\$21.84	G7	Engineering Aide, Van/Bus Driver, Program Coordinator
		\$28,715	\$33,926	\$39,137	\$29,290	\$34,605	\$39,919		
G8	Secretary	\$17.18	\$20.29	\$23.39	\$17.52	\$20.69	\$23.86	G8	Secretary
		\$31,363	\$37,050	\$42,738	\$31,990	\$37,791	\$43,593		
G9	Executive Secretary, Program Coordinator	\$18.75	\$22.14	\$25.54	\$19.12	\$22.59	\$26.05	G9	Executive Secretary, Program Coordinator
		\$34,246	\$40,463	\$46,680	\$34,930	\$41,272	\$47,614		
		\$20.47	\$24.19	\$27.91	\$20.88	\$24.67	\$28.46		
G10	Supportive Day Care Coordinator Licensing Administrator, Web Master, Information Specialist, Senior Engineering Aide Veteran's Services Officer Facilities Administrator	\$37,402	\$44,192	\$50,983	\$38,150	\$45,076	\$52,003	G10	Supportive Day Care Coordinator Licensing Administrator, Web Master, Information Specialist, Senior Engineering Aide Veteran's Services Officer Facilities Administrator



		\$22.35	\$26.41	\$30.47	\$22.80	\$26.94	\$31.08		
G11	DPW Inspector, Construction Inspector	\$40,841	\$48,258	\$55,675	\$41,657	\$49,223	\$56,788	G11	DPW Inspector, Construction Inspector
		\$24.35	\$28.81	\$33.27	\$24.84	\$29.39	\$33.94		
G12	Assistant Town Clerk, Administrative Assistant, Office Manager, Human Resources Administrator, Payroll Administrator Health Agent Nurse	\$44,496	\$52,644	\$60,792	\$45,386	\$53,697	\$62,008	G12	Assistant Town Clerk, Administrative Assistant, Office Manager, Human Resources Administrator, Payroll Administrator Health Agent Nurse
		\$26.65	\$31.50	\$36.34	\$27.19	\$32.13	\$37.06		
G13	Assistant to Town Administrator, Assistant Library Director, Assistant Collector/Treasurer, Assistant Comptroller, Appraiser, Planner I, Solid Waste Coordinator Nurse	\$48,697	\$57,542	\$66,388	\$49,671	\$58,693	\$67,716	G13	Assistant to Town Administrator, Assistant Library Director, Assistant Collector/Treasurer, Assistant Comptroller, Appraiser, Planner I, Solid Waste Coordinator Nurse
		\$29.11	\$34.39	\$39.68	\$29.69	\$35.08	\$40.48		
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 Analyst Communications Administrator Database Administrator	\$53,176	\$62,838	\$72,500	\$54,239	\$64,095	\$73,950	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 Analyst Communications Administrator Database Administrator
		\$32.44	\$37.89	\$43.33	\$33.09	\$38.65	\$44.20		
G15	Purchasing Agent, Assistant Water/Sewer Superintendent,	\$59,272	\$69,221	\$79,171	\$60,457	\$70,606	\$80,754	G15	Purchasing Agent, Assistant Water/Sewer Superintendent,
		\$34.84	\$41.17	\$47.50	\$35.54	\$42.00	\$48.45		
G16	Highway Superintendent, Parks and Ground Superintendent Recreation Director, Director of Assessing Manager of Public Facilities	\$63,413	\$74,933	\$86,452	\$64,681	\$76,431	\$88,182	G16	Highway Superintendent, Parks and Ground Superintendent Recreation Director, Director of Assessing Manager of Public Facilities
		\$38.04	\$44.96	\$51.87	\$38.81	\$45.86	\$52.91		
G17	Building Commissioner, Library Director, Health Director, Director, Planning and Community Dev., Water/Sewer Superintendent Assistant Town Engineer	\$69,241	\$81,822	\$94,403	\$70,626	\$83,458	\$96,291	G17	Building Commissioner, Library Director, Health Director, Director, Planning and Community Dev., Water/Sewer Superintendent Assistant Town Engineer
		\$41.39	\$48.91	\$56.43	\$42.22	\$49.89	\$57.56		
G18	Comptroller, Human Resources Director Police Lieutenant Treasurer Collector	\$75,620	\$89,356	\$103,092	\$77,133	\$91,143	\$105,154	G18	Comptroller, Human Resources Director Police Lieutenant Treasurer Collector

			\$39.70	\$46.91	\$54.12	\$40.49	\$47.85	\$55.21	
G19	Town Engineer Deputy Director/Operations, Director of Public Facilities Operations Finance Director Deputy Police Chief * Deputy Fire Chief**	\$82,575	\$97,576	\$112,577	\$84,227	\$99,528	\$114,828		G19 Town Engineer Deputy Director/Operations, Director of Public Facilities Operations Finance Director Deputy Police Chief * Deputy Fire Chief**
		\$43.35	\$51.23	\$59.10	\$44.22	\$52.25	\$60.28		
G20	Police Chief* Fire Chief, DPW Director, Town Solicitor	\$90,172	\$106,550	\$122,928	\$91,975	\$108,681	\$125,386		G20 Police Chief* Fire Chief, DPW Director, Town Solicitor
<p>* Police Chief, Deputy Police Chief , Police Lieutenant salaries do not include Educational Incentive.</p> <p>**Deputy Fire Chief salary does not include EMT stipend.</p>									