



## FRANKLIN TOWN COUNCIL

October 15, 2014

7:00 PM

**A. APPROVAL OF MINUTES** – *September 3, 2014*

**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 - Alcoholic Beverages Licensees – Failure to Pass Compliance Check – 7:10**

- 99Restaurant
- British Beer Company

*Public Hearing to determine whether it is in the public interest to accept Grace Lane and Nina Lane – 7:10*

**G. LICENSE TRANSACTIONS**

**H. PRESENTATIONS/DISCUSSIONS** –

*Senator Richard Ross  
Representative Jeffrey Roy  
Stephan Semerjian, Chief of Police  
Brutus Cantoreggi, DPW Director*

**I. SUBCOMMITTEE REPORTS**

**J. LEGISLATION FOR ACTION**

1. *Resolution 14-60: Order of Layout, Acceptance, and Taking of Grace Lane and Related Drainage Lot*
2. *Resolution 14-61: Order of Layout, Acceptance, and Taking of Nina Lane and Related Drainage Lot and Easement*
3. *Resolution 14-62: Local Licensing Authority's Approval of Package Store Licensees' Notifications of Change in Hours to Permit Earlier Sunday Openings*
4. *Resolution 14-63: Creation of a Senior Center Building Committee*
5. *Bylaw Amendment 14-742: Amendment to Chapter 185-§4. Districts Enumerated – Referral to Planning Board*
5. *Bylaw Amendment 14-743: Amendment to Chapter 185-§20. Signs – Referral to Planning Board*
6. *Bylaw Amendment 14-744: Amendment to Chapter 185 - §31. Site Plan and Design Review- 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  
SEPTEMBER 3, 2014

A meeting of the Town Council was held on Wednesday, September 3, 2014 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present; Brett Feldman, Peter Padula, Tom Mercer, Matt Kelly, Robert Vallee, Judith Pond Pfeffer, Glenn Jones, Andrew Bissanti, Steve Williams. Administrative personnel in attendance: Jeffrey Nutting; Town Administrator; Mark Cerel, Town Attorney, Maxine Kinhart, Assistant to the Town Administrator and Brenda Brady-Vargas, Recording Secretary.

**CALL TO ORDER:** Chairman Vallee called the meeting to order at 7:00 PM with a moment of silence and the Pledge of Allegiance.

**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 recorded by Franklin Matters.

Town Administrator Nutting requests to add Resolution 14-55 as a late item to tonight's Agenda as Number 7. **MOTION** by Councilor Pfeffer to add Resolution 14-55 to agenda. **SECONDED** by Councilor Jones. **VOTE to Approve: YES – 8, NO – 0, RECUSE – 1 (Matt Kelly).**

**PROCLAMATIONS/RECOGNITIONS:** None

**CITIZEN COMMENTS:** Frank Falvey, residing at 920 Pond Street, Franklin. Reminded all viewers primary day is next Tuesday. Ballot question voted by a vote of 9-0 to put on ballot in November to raise money for road repair. Offer to Town Councilor to come on access TV to do interview as to pros and cons of the issue. It is important to citizens to have explanations of reasons why this is on ballot. State of Mass when has ballot questions sends out a pamphlet and gives ballot question with summary of issue with pros and cons of why to vote and not vote. Could town adopt such a rule. Helpful to average citizen to read why the ballot question is before them before the vote. How much will this effect tax rate. Will this add to base of taxes for future years? In the new high school between 2014 FY and 2015 FY is there going to be an increase in payment for new high school. If this issue is passed what would be the budget for road repair for 2014 compared to budget for 2015. If this is passed are you going to lower budget for normal road repair to budget other expenses or will accounts be the same between two years.

**APPOINTMENTS:**

**Election Workers:** The Town Clerk submitted two additional names to be appointed as Election Workers for directing voters in the new school. Jeanne Blanchard 234 Lincoln Street, Joyce Pedersen 89 Highbank Road. **MOTION Councilor Pfeffer SECONDED Councilor Jones. VOTE to Approve: YES – 9, NO – 0.**

**Franklin Advisory Committee –** Motion to appoint Bruce Hunchard, 496 Summer Street and Nancy Rappa, 25 Queen Street to serve as members of the Franklin Advisory Committee. **MOTION:** Councilor Pfeffer **SECONDED** Councilor Jones. **VOTE to Approve: YES – 9, NO – 0.**

**HEARINGS:** None

**LICENSE TRANSACTIONS:** None

**PRESENTATIONS/DISCUSSIONS:**

**SPECIAL PERMITS:**

Discussion regarding special permit uses required more information and will be discussed at next meeting.

**SUBCOMMITTEE REPORTS:** Draft an RFP for 150 Emmons Street for next meeting.

**LEGISLATION FOR ACTION:**

**Resolution 14-50: Chapter 61B - 1<sup>st</sup> Refusal Option – Property Located off East Central Street:**

Councilor Pfeffer read the resolution of the intent to sell parcels of land off of East Central Street currently classified as Chapter 61B, Section 9 recreational land. The Town Council, after consideration, does not wish to exercise said option to acquire this land. Councilor Mercer, Councilor Padula, and Councilor Bissanti recuse themselves. **MOTION** by Councilor Jones to amend resolution to remove word “of”. **SECONDED** by Councilor Kelly **VOTE to Approve: YES – 6 , NO – 0, RECUSE – 3. MOTION** by Councilor Pfeffer to move Resolution 14-50 **SECONDED** Councilor Jones **VOTE to Approve: YES – 6, NO – 0, RECUSE 3.**

**Resolution 14-51: Chapter 61B – 1<sup>st</sup> Refusal Option – Franklin Portion of Land on Maple Street**

**Bellingham:** Councilor Pfeffer read the resolution of the intent of the owner of Parcel No. 239-11 and 239-13 to convert the property to other use. The Town Council, after consideration, does not wish to exercise said option to acquire this parcel of land. **MOTION** by Councilor Padula to move Resolution 14-51 **SECONDED** Councilor Kelly **VOTE to Approve: YES – 9, NO – 0.**

**Resolution 14-52: Appropriation - Recreation – Tot Lot:** Purpose to transfer funds from Recreation – Spray Park, Resolution 14-25 for the purpose of funding Recreation – Tot Lot at Fletcher Field. No Finance Committee. Be it moved and Voted by the Town Council that the sum of \$150,000 be transferred from Resolution 14-25 Recreation – Spray Park to fund a Recreation Tot Lot at Fletcher Field. **MOTION** by Councilor Pfeffer to move Resolution 14-52 **SECONDED** by Councilor Kelly **VOTE to Approve: YES – 9, NO – 0.**

**Resolution 14-53: Prior Year Bill - \$80,000:** Councilor Pfeffer read the resolution to authorize payment of a prior year bill for Capital Dynamics (Solar Electricity) from the FY15 Facilities electricity budget. No Finance Committee. Be it moved and Voted by the Town Council that the sum of \$80,000 be authorized to pay a prior year bill from the FY 2015 Facilities Electricity budget. **MOTION** by Councilor Pfeffer to move Resolution 14-53 **SECONDED** by Councilor Jones **VOTE to Approve: YES – 9, NO – 0.**

**Resolution 14-54: Authorization to Issue Request for Proposals – Pond Street Property:** Councilor Pfeffer read the resolution considering making a parcel of land located off Pond Street and owned by the Town of Franklin available for Development. Be it moved that the Town Council authorizes the Town Administrator to work with the Director of Planning and the Director of Purchasing to issue a Request for Proposals that will include, but not be limited to the provisions as set forth in the Pond Street RFP for the purpose of considering the sale of the Pond Street Parcel. This Resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter. **MOTION** by

Councilor Padula to move Resolution 14-54 **SECONDED** by Councilor Pfeffer **VOTE to Approve: YES – 9, NO – 0.**

**By-law Amendment 14-741: Chapter 65, Collection Containers:** A bylaw to amend the code of the Town of Franklin by adding a new chapter. **MOTION** by Councilor Kelly to waive 1<sup>st</sup> reading **SECONDED** Councilor Pfeffer **VOTE: YES – 9, NO – 0.** . **MOTION** by Councilor Kelly to move to second reading **SECONDED** Councilor Jones **VOTE: YES – 9, NO – 0.**

**Resolution 14-55: Authorization to Sign Amended Regulatory Agreement:** Town Council does vote to authorize the Town Administrator to sign the amended Regulatory Agreement on behalf of the Town of Franklin for submission to the Department of Housing and Community Development and further authorizes the Town Administrator or members of his staff as he may designate to take any and all actions related to such agreement. This resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

**OLD BUSINESS:** Councilor Pfeffer questions whether all schools alarms are in working condition. Town Administrator Nutting will request information from Fire Chief. Councilor Pfeffer questions if furniture from old school and other Town Departments is still being stored at DPW. Town Administrator Nutting confirms furniture is still stored at DPW. Old furniture was removed by facilities. Property purchased on Wachusett Street

**NEW BUSINESS:** None

**COUNCIL COMMENTS:** None.

**EXECUTIVE SESSION:** None

**ADJOURN: MOTION** by Councilor Kelly to adjourn **SECONDED** by Councilor Jones. **VOTE to Approve: YES – 9, NO – 0.** Meeting adjourned at 8:10 PM.

Respectfully Submitted,

Brenda Brady-Vargas, Recording Secretary

# HEARING

## FAILURE TO PASS COMPLIANCE CHECK

1. 99 RESTAURANT
2. BRITISH BEER COMPANY



## FRANKLIN POLICE DEPARTMENT

Stephan H. Semerjian, Chief of Police  
911 Panther Way, Franklin, MA 02038  
Telephone: (508) 528-1212  
Fax: (508) 520-7950  
[www.franklinpolice.com](http://www.franklinpolice.com)

To: Chief Stephan H. Semerjian  
Fr: Lieutenant Thomas J. Lynch  
Re: Results of the Minimum Age Purchase Law Compliance Check on 09/26/14  
Dt: 09/29/14

As you are well aware, the Franklin Police Department is participating in the 2014 Underage Alcohol Enforcement Grant Program funded by the Executive Office of Public Safety and Security (EOPSS). The department is participating in three of the programs offered through the grant (Party Patrols, Shoulder Tap and Minimum Age Purchase Law Compliance Checks).

On Friday, September 26, 2014 from 8:00 p.m. – 11:00 p.m. Six (6) officers and three (3) under 21 buyers conducted a Minimum Age Purchase Law Compliance Check operation of thirty-five (35) licensed establishments in the Town of Franklin. Thirty (30) establishments passed the check and refused to sell or serve alcohol to the under 21 operative. Three establishments were not open for business at the time of the operation (King Street Café, Guru Restaurant and Pour Richards Wine).

Two (2) establishments failed the compliance check and served an under 21 operative.

The following failed the compliance check on 09/26/14:

- **British Beer Company – 280 Franklin Village Drive**
- **99 Restaurant – 847 A West Central Street**

A check of all pertinent records has revealed this is the first sale to minor alcohol violation for both the 99 Restaurant and the British Beer Company.

Attached are the Officers report, Buyer Report, Notice of Violation, Congratulations Letter (sent to those who passed the compliance check) and compliance check spreadsheets.

The notice of violation and a copy of the incident report were hand delivered on 09/29/14 and signed for. They have all been notified they will receive information regarding a future hearing before the alcohol licensing authority (Franklin Town Council).

# Town of Franklin

Town Administrator  
Tel: (508) 520-4949



Fax: (508) 520-4903

355 East Central Street  
Franklin, Massachusetts 02038-1352

October 6, 2014

Mr. David Camilleri  
99 Restaurant  
847A West Central Street  
Franklin, MA 02038

Re: Failed Compliance Check – Hearing Notice

Dear Mr. Camilleri:

This is a notice that the Town Council as the Local Licensing Authority for the Town of Franklin will hold a hearing pursuant to provision of M.G.L. Chapter 138 §64 to determine whether to modify, suspend, or revoke your alcoholic beverages license for violation of Massachusetts General Law, Chapter 138, §34: Sale, Delivery, or furnishing of an alcoholic beverage to a person under the age of twenty-one, based upon an incident which, according to the Franklin Police, occurred on Friday, September 26, 2014 at approximately 9:00 PM at the 99 Restaurant located at 847A West Central Street, Franklin, MA 02038.

The hearing is scheduled to take place on Wednesday, October 15, 2014 at 7:10 PM in the Council Chambers of the Municipal Building, Second Floor, 355 East Central Street, Franklin, MA 02038. You are entitled to attend and to present evidence of your behalf.

Please feel free to call me at 508-520-4949 if you have any questions.

Sincerely,

Maxine Kinhardt  
Assistant to the Town Administrator

Cc: Stephan Semerjian, Police Chief  
Town Council Members



# Town of Franklin

Town Administrator  
Tel: (508) 520-4949



Fax: (508) 520-4903

355 East Central Street  
Franklin, Massachusetts 02038-1352

October 6, 2014

Ms. Kimberly Schwenderman  
British Beer Company  
280 Franklin Village Drive  
Franklin, MA 02038

Re: Failed Compliance Check – Hearing Notice

Dear Ms. Schwenderman:

This is a notice that the Town Council as the Local Licensing Authority for the Town of Franklin will hold a hearing pursuant to provision of M.G.L. Chapter 138 §64 to determine whether to modify, suspend, or revoke your alcoholic beverages license for violation of Massachusetts General Law, Chapter 138, §34: Sale, Delivery, or furnishing of an alcoholic beverage to a person under the age of twenty-one, based upon an incident which, according to the Franklin Police, occurred on Friday, September 26, 2014 at approximately 8:35 PM at the British Beer Company located at 280 Franklin Village Drive, Franklin, MA 02038.

The hearing is scheduled to take place on Wednesday, October 15, 2014 at 7:10 PM in the Council Chambers of the Municipal Building, Second Floor, 355 East Central Street, Franklin, MA 02038. You are entitled to attend and to present evidence of your behalf.

Please feel free to call me at 508-520-4949 if you have any questions.

Sincerely,

Maxine Kinhart  
Assistant to the Town Administrator

Cc: Stephan Semerjian, Police Chief  
Town Council Members





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

## HEARING – 7:10 PM

1. PUBLIC HEARING TO DETERMINE WHETHER IT IS IN THE PUBLIC INTEREST TO ACCEPT GRACE LANE AND NINA LANE

PRESENTATIONS  
AND  
DISCUSSIONS

- SENATOR RICHARD ROSS
- REPRESENTATIVE JEFFREY ROY
- STEPHAN SEMERJIAN, CHIEF OF POLICE
- BRUTUS CANTOREGGI, DPW DIRECTOR

LEGISLATION

FOR

ACTION



Sponsor: Administration

## TOWN OF FRANKLIN

### RESOLUTION 14-60

#### ORDER OF LAYOUT, ACCEPTANCE, AND TAKING OF GRACE LANE AND RELATED DRAINAGE LOT

**WHEREAS**, by virtue of Massachusetts General Laws Chapter 82, Section 21 and 24, the Town of Franklin, acting by and through its Town Council, is authorized to lay out, accept and take by eminent domain under Massachusetts General Laws Chapter 79, or acquire by purchase or otherwise, any lands, rights of way or easements necessary for the construction, and maintenance of roadways for public use, and

**WHEREAS**, the Town Council has held a public hearing after having given prior written notice thereof to the owner of record of each property abutting the road and notice by newspaper publication, and

**WHEREAS**, the laying out, acceptance, and taking by eminent domain of the fee in Grace Lane and a drainage lot located on Grace Lane, all as hereinafter described, for roadway purposes is recommended by the Planning Board, the Town Administrator and the Director of the Franklin Department of Public Works, and

**WHEREAS**, Nitor Development, Inc., a Massachusetts corporation with a principal place of business at 19 Lenox Drive, Franklin, MA, the owner of the fee in said roadway and of said related drainage lot, has conveyed said roadway and related parcel to the Town by deed dated August 12, 2014, to be recorded at Norfolk County Registry of Deeds herewith, and

**WHEREAS**, the purpose of this order is to comply with statutory requirements and/or to confirm title in the Town and no land damages are therefore anticipated, and

**WHEREAS**, said layout, acceptance and taking is in the best public safety interests of the Town of Franklin.

#### **NOW, THEREFORE, BE IT ORDERED THAT:**

1. The Town Council of the Town of Franklin, by virtue of and in exercise of and the execution of power and authority conferred by said statutes, hereby adjudges that public safety, necessity and convenience require the layout, acceptance, and taking by eminent domain, of the land hereinafter described, for the purposes hereinafter stated.

2. The Town of Franklin, acting by and through the Town Council by virtue of and in the exercise of the power and authority conferred by said statutes and in accordance with the provisions of Massachusetts General Laws Chapter 79 and Chapter 82, Sections 21 and 24, and all and every other power and authority it does possess, DOES HEREBY LAYOUT AND ACCEPT AS A TOWN WAY AND TAKE BY EMINENT DOMAIN for roadway purposes: The following land shown on definitive subdivision plan entitled: "Southern Acres Definitive Subdivision in Franklin, Massachusetts" dated September 21, 2011, prepared by Guerriere & Halnon, Inc., approved under the subdivision control law by Franklin Planning Board on December 12, 2011, filed with Franklin Town Clerk on December 15, 2011 and recorded in the Norfolk County Registry of Deeds in Plan Book 612, Pages 50, et seq. (the "Subdivision Plan"), and also shown on a street acceptance plan entitled Acceptance Plan of: "Street Acceptance Plan Grace Lane (Southern Acres) Franklin Massachusetts" prepared by Guerriere and Halnon, Inc. dated November 25, 2013 and revised February 18, 2014 and to be recorded herewith.

#### Fee Interest in Roadway

Grace Drive, for its entire length as shown (on subdivision plan) and street acceptance plan

#### Related Interests in Land

Also, the following interests in land shown on the above-described plans:

Fee interest in the lot shown as Lot 6-4 on the subdivision plan and acceptance plan, said lot to be used for drainage purposes

3. The Town Treasurer and Town Comptroller are directed and the Town Administrator is directed and authorized to do all things and to execute all documents necessary for the prompt payment of the amount of damages awarded in this Order of Taking, so that the same shall be payable within sixty (60) days after right to damages becomes vested in the person from whom the property was taken. The Town Administrator is further directed to direct the Town Attorney for and on behalf of the Town Council to give notice of this taking and pertinent information to every person entitled thereto in accordance with the provisions of Massachusetts General Laws Chapter 79, Sections 7B, 7C, 7F, 7G, 8A and 8B.
4. This Order of Layout, Acceptance, and Taking confirms Town's Acceptance of above-referenced Nitor Development, Inc.'s deed dated August 12, 2014 and makes clear the Town of Franklin's title to the above-described parcels of land which said instrument conveyed to the Town of Franklin.

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

**DATED: October \_\_\_\_\_, 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

### RESOLUTION 14-61

#### ORDER OF LAYOUT, ACCEPTANCE, AND TAKING OF NINA LANE AND RELATED DRAINAGE LOT AND EASEMENT

**WHEREAS**, by virtue of Massachusetts General Laws Chapter 82, Section 21 and 24, the Town of Franklin, acting by and through its Town Council, is authorized to lay out, accept and take by eminent domain under Massachusetts General Laws Chapter 79, or acquire by purchase or otherwise, any lands, rights of way or easements necessary for the construction, and maintenance of roadways for public use, and

**WHEREAS**, the Town Council has held a public hearing after having given prior written notice thereof to the owner of record of each property abutting the road and notice by newspaper publication, and

**WHEREAS**, the laying out, acceptance, and taking by eminent domain of the fee in Nina Lane and one related drainage lot located on Nina Lane and a related utility easement, all as hereinafter described, for roadway purposes is recommended by the Planning Board, the Town Administrator and the Director of the Franklin Department of Public Works, and

**WHEREAS**, Mine Brook Place, LLC, a Massachusetts limited liability company with a principal place of business at 330 Bear Hill Road, Watertown, MA, the owner of the fee in said roadway and of said related drainage lot has conveyed said roadway and to the Town by deed dated August 29, 2014 and Arun Kumar Papineni and Sangeetha A. Papineni, the owners of Lot 1, have conveyed a thirty-foot wide utility easement across the westerly corner of Lot 1 to the Town by Grant of Easement dated August 12, 2014, both instruments to be recorded at Norfolk County Registry of Deeds herewith, and

**WHEREAS**, the purpose of this order is to comply with statutory requirements and/or to confirm title in the Town and no land damages are therefore anticipated, and

**WHEREAS**, said layout, acceptance and taking is in the best public safety interests of the Town of Franklin.

#### **NOW, THEREFORE, BE IT ORDERED THAT:**

1. The Town Council of the Town of Franklin, by virtue of and in exercise of and the execution of power and authority conferred by said statutes, hereby adjudges that public safety, necessity and convenience require the layout,

acceptance, and taking by eminent domain, of the land hereinafter described, for the purposes hereinafter stated.

2. The Town of Franklin, acting by and through the Town Council by virtue of and in the exercise of the power and authority conferred by said statutes and in accordance with the provisions of Massachusetts General Laws Chapter 79 and Chapter 82, Sections 21 and 24, and all and every other power and authority it does possess, DOES HEREBY LAYOUT AND ACCEPT AS A TOWN WAY AND TAKE BY EMINENT DOMAIN for roadway purposes: The following land shown on definitive subdivision plan entitled: "Mine Brook Place Definitive Subdivision in Franklin, MA August 26, 2010 Latest Rev. Jan. 25, 2011", prepared by Merrikin Engineering, LLP, approved under the subdivision control law by Franklin Planning Board on March 30, 2011, and recorded in the Norfolk County Registry of Deeds in Plan Book 607, Page 52 (the "Subdivision Plan"), and also shown on a street acceptance plan entitled: "Acceptance Plan for Nina Lane in Franklin, MA Scale 1=40' date: April 4, 2014 revised: June 18, 2014" prepared by Colonial Engineering, Inc. 11 Awl St. Medway, MA to be recorded herewith.

#### Fee Interest in Roadway

Nina Lane, for its entire length (as shown on subdivision plan and street acceptance plan)

#### Related Interests in Land

Also, the following interests in land shown on the above-described plans:

Fee interest in "Parcel B" shown on subdivision plan and acceptance plan, said lot to be used for drainage purposes

Thirty-foot utility easement across westerly corner of Lot 1 shown on said plans

3. The Town Treasurer and Town Comptroller are directed and the Town Administrator is directed and authorized to do all things and to execute all documents necessary for the prompt payment of the amount of damages awarded in this Order of Taking, so that the same shall be payable within sixty (60) days after right to damages becomes vested in the person from whom the property was taken. The Town Administrator is further directed to direct the Town Attorney for and on behalf of the Town Council to give notice of this taking and pertinent information to every person entitled thereto in accordance with the provisions of Massachusetts General Laws Chapter 79, Sections 7B, 7C, 7F, 7G, 8A and 8B.

4. This Order of Layout, Acceptance, and Taking confirms Town's Acceptance of above-referenced Mine Brook Place, LLC's deed dated August 29, 2014 and Arun Kumar Papineni's and Sangeetha A. Papineni's Grant of Easement dated August 12, 2014 and makes clear the Town of Franklin's title to the above-described and interests in land which said instruments conveyed to the Town of Franklin.

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. Pellegrini**  
**Town Clerk**

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

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

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



Sponsor: Administration

**TOWN OF FRANKLIN**

**RESOLUTION 14-62**

**LOCAL LICENSING AUTHORITY'S APPROVAL OF PACKAGE STORE LICENSEES' NOTIFICATIONS OF CHANGE IN HOURS TO PERMIT EARLIER SUNDAY OPENINGS**

**WHEREAS**, the Franklin Town Council is the Local License Authority for alcoholic licensing, and

**WHEREAS**, the Massachusetts Legislature amended M.G.L. c. 136, §6(52) which allows off-premises M.G.L. c. 138, §15 or so called "package store" license holders hereinafter: "package store licensee") to sell alcoholic beverages, beginning at 10 a.m. on Sundays, effective October 23, 2014, and

**WHEREAS**, the Alcoholic Beverages Control Commission (ABCC) is requiring that each package store licensee notify the Local Licensing Authority of the earlier Sunday opening by filing a change of hours application and providing a corporate vote and the ABCC further requires that the Local Licensing Authority approve each Form 43, which approval is mandatory, and

**WHEREAS**, Franklin presently has thirteen package store licensees.

**NOW, THEREFORE, BE IT ORDERED THAT:**

Each local package store licensee's ABCC Form 43 providing notice of 10:00 a.m. Sunday openings is hereby approved upon the filing with the Town of a properly completed change of hours application accompanied by a corporate vote, if required, and the Clerk of the Town Council is hereby authorized to sign each such ABCC Form 43 on the Town Council's behalf signifying said approval.

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

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

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

**A True Record Attest:**

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

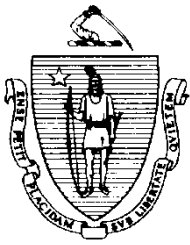
**ABSTAIN \_\_\_\_\_**

**Deborah L. Pellegrini  
Town Clerk**

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

---

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



*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
*Alcoholic Beverages Control Commission*  
*239 Causeway Street*  
*Boston, MA 02114*

Steven Grossman  
*Treasurer and Receiver General*

Kim S. Gainsboro  
*Chairman*

**THE ALCOHOLIC BEVERAGES CONTROL COMMISSION (“ABCC”) ADVISORY**  
**M.G.L. c. 138, §15 OFF-PREMISES RETAIL LICENSEES SUNDAY OPENING TIME**  
**ALLOWED AT 10:00 A.M.**

Effective October 23, 2014<sup>1</sup>, off-premises retail alcoholic beverages licensees (M.G.L. c. 138, §15) will be permitted to sell alcoholic beverages beginning at 10:00 a.m. on Sundays. Although under the law, these licensees are entitled as a matter of right to open at 10:00 a.m. and as such do not need the approval of the Local Licensing Authorities, licensees must notify the Local Licensing Authorities about the change of hours.

The simplest way for licensees to effectuate this change is to follow the process outlined in the CHANGE OF HOURS Application which may be found on our website at <http://www.mass.gov/abcc/pdf/forms/nofeetransmittal.pdf>. Licensees should use this form to notify the Local Licensing Authority of the change in hours and attach a corporate vote authorizing the change. Upon receipt of this request, the Local Licensing Authority must approve it. The Local Licensing Authority should forward an approved “Form 43” with the additional Sunday hours of sale to the ABCC for each licensee affected.

As mentioned above, this law does not go into effect until October 23, 2014. All licensees should ensure that sales of alcoholic beverages take place only on the days and hours approved by the Local Licensing Authority. Licensees who fail to notify the Local Licensing Authority about the change to their hours are prohibited from making sales at an earlier time than those permitted on the face of their license.

As always, all licensees must ensure that they are in compliance with the Laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by applicable law. Individuals with questions concerning this advisory may contact Ralph Sacramone, Executive Director, at 617-727-3040 x 731.

(Issued: September 8, 2014)

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<sup>1</sup> The Massachusetts Legislature amended M.G.L. c 136, §6(52) which allow off-premises M.G.L. c. 138, §15 or so called “package store” license holders to sell alcoholic beverages, beginning at 10 A.M. on Sundays.

TOWN OF FRANKLIN  
CURRENT RETAIL PACKAGE STORE  
LICENSE HOLDERS

<b>License #</b>	<b>DBA</b>	
043000030	Village Mall Liquors	60 Franklin Village Drive
043000032	Franklin Liquors	333 East Central Street
043000033	Shaws Supermarket	255 East Central Street
043000034	Union Street Wines & Liquors, Inc.	317 Union Street
043000035	Ouzo Corporation	660 W. Central Street
043000036	Tedeschi Food Shop	664 Union Street
043000037	J.B.'s Liquor World	365 W. Central Street
043000038	Ferrara's Market	20 W. Central Street
043000039	Anne's Market	451 W. Central Street
043000044	Dacey's Market	345 Lincoln Street
043000059	Devita's Market	198 East Central Street
043000060	Pour Richards Wine & Spirits	470 King Street
043000077	Extraordinary Foods, Inc.	470A King Street



**TOWN OF FRANKLIN**

**RESOLUTION 14-63**

**CREATION OF A SENIOR CENTER BUILDING COMMITTEE**

**A Resolution creating a committee to complete the second floor of the Senior Center**

**BE IT RESOLVED** by the Town Council of the Town of Franklin that a Senior Center Building Committee be established as follows:

**WHEREAS:** The Town Council would like to complete the second floor of the Senior Center located at 10 Daniel McCahill Way.

**NOW THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Franklin hereby establishes a six person building committee to be appointed by the chairman. The term of the committee shall be until the substantial completion of the project.

Duties of the committee are as follows:

- Select an architect for the design of the second floor
- Monitor the construction phase
- Make a final report to the Council

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

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

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

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

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

## MEMORANDUM

TO: Jeff Nutting, Town Administrator  
Town Council

FROM: Beth Wierling, Town Planner

DATE: October 10, 2014

RE: Bylaw Amendments 14-742, 14-743 & 14-744: Reference Corrections

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The following Zoning Bylaw Amendments are needed to correct minor reference errors within the Zoning Bylaw:

14-742: Changes to Chapter 185, Section 4. Districts Enumerated. To correct terminology utilized within the Zoning Bylaw; to create consistency throughout the Zoning Bylaw when referring to Overlay Districts.

14-743: Changes to Chapter 185, Section 20. Signs. To correct a reference to another section of the Zoning Bylaw which is currently incorrect and eliminate a reference which is not needed.

14-744: Changes to Chapter 185, 31. Site Plan and Design Review. To correct terminology utilized within Chapter 185-31 so it is consistent with the Use Table.



**SPONSOR:**  
*Department of Planning and Community  
Development*

**TOWN OF FRANKLIN  
ZONING BY-LAW AMENDMENT 14-742  
DISTRICTS ENUMERATED**

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT  
CHAPTER 185, SECTION 4.**

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

Chapter 185 of the Code of the Town of Franklin is hereby amended by ~~deleting~~ and adding the following text at §185-4 Districts enumerated:

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

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

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

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

**A True Record Attest:**

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

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

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

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

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

**SPONSOR:**  
*Department of Planning and Community  
Development*

**TOWN OF FRANKLIN  
ZONING BY-LAW AMENDMENT 14-743  
SIGNS**

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT  
CHAPTER 185, SECTION 20.**

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

Chapter 185 of the Code of the Town of Franklin is hereby amended by ~~deleting~~ and adding the following text at §185-20 Signs:

- H. Sign approvals.
- (1) Design Review Commission sign approvals.
    - (a) All new signs and sign modifications must be reviewed and approved by the Design Review Commission prior to issuance of a Building Permit.
  - (2) Application Submittal Requirements. Applicants must submit the following information concurrently, to be considered a complete application for review of Signs; incomplete applications may result in refusal of application.
    - (a) One (1), original, Form Q, Design Review Application with questions A-F completed.
    - (b) Nine (9), color copies of the proposed sign rendering, ~~as required in §185-31.2.F(2)-(a).~~
    - (c) Nine (9) copies of the plan showing sign as required in ~~§185-31.2.F(2).~~ §185.31.2.C.1.(c).[5]
    - (d) Picture(s) of existing sign(s) if applicable.

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

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

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

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

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

**SPONSOR:**

*Department of Planning and Community  
Development*

**TOWN OF FRANKLIN  
ZONING BY-LAW AMENDMENT 14-744  
SITE PLAN AND DESIGN REVIEW**

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT  
CHAPTER 185, SECTION 31.**

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

Chapter 185 of the Code of the Town of Franklin is hereby amended by ~~deleting~~ and adding the following text at §185-31 Site plan and design review:

2. Design Review Commission, site plans, facades, landscape and lighting.

B. Design Review Commission review requirements.

(1) Applicants must file with the Design Review Commission for any external use of land, building, structure or project that requires site plan review or limited site plan review and/or a building permit and is at least one of the following, except for single- and two-family dwellings:

- Within Commercial I, Commercial II, Business Zoning Districts, Downtown Commercial or Office.
- Listed as a principal use in the Use Regulation Schedule Part II, 2, Commercial, regardless of the underlying zoning district.
- Listed as a principal use in the Use Regulation Schedule Part V, 5, Recreational, regardless of the underlying zoning district.
- Considered one of the following additional principal uses as listed in the Use Regulation Schedule:
  - Part III, 3. Industrial, utility, 3.1: Bus, railroad station.
  - ~~Part III, 3. Industrial, utility, 3.10: Conference and training center.~~
  - Part III, 3. Industrial, utility, 3.12: Conference center
  - ~~Part IV, 4. Institutional, 4.2: Hospital, charitable institution, similar non-correctional use.~~
  - Part IV, 4. Institutional, 4.2: Hospital., 4.2.a: Medical marijuana treatment facility and 4.2.b: Medical marijuana testing facility.
  - Part IV, 4. Institutional, 4.3: Charitable Institution.
  - ~~Part IV, 4. Institutional, 4.3: Library, museum, art gallery, civic center.~~
  - Part IV, 4. Institution, 4.5: Library, museum, art gallery.
  - ~~Part IV, 4. Institutional, 4.4: Lodge, other nonprofit social or civic use.~~
  - Part IV, 4. Institutional, 4.6: Lodge, social nonprofit.
  - ~~Part IV, 4. Institutional, 4.5: Public Use and 4.5.a: Municipal public safety.~~
  - ~~Part IV, 4. Institutional, 4.7: Public use and 4.7.a: Municipal public safety.~~
  - Part VI, 6. Residential, 6.1: Multifamily or apartment.
  - Signs.

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**  
**Town Council**



## **PUBLIC HEARING NOTICE**

The following notice will be published in the Milford Daily Newspaper on October 6, 2014 and again on October 13, 2014.

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In accordance with the provisions of M.G.L. Chapter 40A, Section 5, notice is hereby given that the Planning Board will hold a Public Hearing on October 20, 2014 at 7:30 PM and the Town Council will hold a Public Hearing on November 5, 2014 at 7:10 PM in the Town Council Chambers of the Municipal Building, 355 East Central Street, to consider amending Chapter 185, Sections 4, 20 & 31 of the Code of the Town of Franklin, Zoning By-Law as follows:

**ZONING BY-LAWS PROPOSED BY THE FRANKLIN TOWN ADMINISTRATION TO AMEND  
THE FRANKLIN TOWN CODE CHAPTER 185, SECTIONS 4, 20 & 31.**

**Bylaw Amendment 14-742, 14-743 & 14-744:**

**Changes to §185-4, §185-20 & §185-31.** To correct references and inconsistencies within the Zoning Bylaw.

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

The exact text of the proposed bylaw may be reviewed in the Department of Planning and Community Development during normal business hours (Monday, Tuesday and Thursday - 8:00 AM to 4:00 PM, Wednesday - 8:00 AM to 6:00 PM, and Friday - 8:00 AM to 1:00 PM).

Please contact the Department of Planning & Community Development at 508-520-4907 if you require further information or if you need to make arrangements to provide translation services for the hearing impaired or for persons with language barriers.

Anthony Padula, Chairman  
Franklin Planning Board

Robert Vallee, Chairman  
Franklin Town Council