



## FRANKLIN TOWN COUNCIL

October 21, 2015

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 others.*

**C. PROCLAMATIONS/RECOGNITIONS-** *Town Clerk*

**D. CITIZEN COMMENTS**

**E. APPOINTMENTS**

**F. HEARINGS 15-52:** *Whether public safety, necessity and convenience requires laying out and acceptance of a portion of Lewis Street currently private, as a public way.*  
*7:10 PM- 2<sup>nd</sup> Reading*

**G. LICENSE TRANSACTIONS**

**H. PRESENTATIONS/DISCUSSIONS**

**I. SUBCOMMITTEE REPORTS**

**J. LEGISLATION FOR ACTION**

- 1. Resolution 15-52: Order of Layout, Acceptance, and Taking of a Portion of Lewis Street, Currently a Private Way -2/3 vote*
- 2. Resolution 15-66: Reconstructing, Adding to, Equipping and Furnishing the Franklin Public Library-2/3 vote*
- 3. Resolution 15-67: Appropriation of Police Salaries*
- 4. Resolution 15-68: Appropriation of Fire Salaries*
- 5. Resolution 15-69: Amendment to the Town Administrators Contract*
- 6. Resolution 15-70: Authorizing Tax Increment Financing, Cole Chain Technologies, Inc. And Knickerbocker Properties, Inc. XLIII*
- 7. Zoning Bylaw Amendment 15-752: Nonconforming Buildings, Structures, and Uses – 2<sup>nd</sup> Reading-2/3 vote*

**K. TOWN ADMINISTRATOR'S REPORT**

**L. OLD BUSINESS**

**M. NEW BUSINESS**

**N. COUNCIL COMMENTS**

**O. EXECUTIVE SESSION**

**P. ADJOURN**

## HEARING – 7:10 PM

- WHETHER PUBLIC SAFETY, NECESSITY AND CONVENIENCE REQUIRES LAYING OUT AND ACCEPTANCE OF A PORTION OF LEWIS STREET CURRENTLY PRIVATE, AS A PUBLIC WAY – 2<sup>ND</sup> READING



Sponsor: Administration

## TOWN OF FRANKLIN

### RESOLUTION 15-52

#### ORDER OF LAYOUT, ACCEPTANCE, AND TAKING OF A PORTION OF LEWIS STREET, CURRENTLY A PRIVATE WAY

**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 roads and notice by newspaper publication, and

**WHEREAS**, a portion of Lewis Street has been constructed and exists as a private roadway, access to which is from the public way portion of Lewis Street, said private roadway being shown on a plan of land referred-to hereinafter, and

**WHEREAS**, the laying out and acceptance of said private way portion of Lewis Street as a public roadway is recommended by the Planning Board, the Town Administrator, and the Director of the Franklin Department of Public Works as furthering public safety and convenience, and

**WHEREAS**, there are nine lots in private ownership with frontage on said private way portion of Lewis Street and all owners have each executed a "Property Owner's Waiver and Release Agreement", and

**WHEREAS**, the purpose of this order is to comply with statutory requirements for the Town to assume the legal obligation for maintenance and repair of the roadway and to extinguish the private rights therein; as a result of which, no land damages are being awarded to any of above-referenced abutting property owners.

#### **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 every 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.

- 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 described land shown on a plan entitled: "Street Layout, Acceptance and Taking Plan for a Portion of Lewis Street-Lewis Street-Franklin, Massachusetts Prepared for Town of Franklin Massachusetts" prepared by GCG Associates, Inc. Wilmington, Massachusetts and dated August 17, 2015, to be recorded at Norfolk County Registry of Deeds herewith:

Fee Interest in Roadway

Portion of Lewis Street, currently a private way

Legal description for said roadway is contained in above-referenced plan and summarized in "Exhibit A" attached hereto.

- The Town Council awards damages sustained by persons and their property by reason of this taking as follows:

<u>Property Owner(s)</u>	<u>Street Address</u>	<u>Title Ref.: Norfolk Registry</u>	<u>Parcel I.D. (Assessor's Map)</u>
Dorothy E. Mucciarone	100 Lewis St.	Book 3620, Pg. 043	Map 285, Parcel 025
Camillo & Ronald Pasquino	102 Lewis St.	Book 33043, Pg. 186	Map 285, Parcel 026
Kathryn Hynes & John Binns	104 Lewis St.	Book 32574, Pg. 254	Map 285, Parcel 005
Michael E. & Lori A. Maher	112 Lewis St.	Book 25993, Pg. 215	Map 285, Parcel 006
Joseph E. & Diane M. McGann	120 Lewis St.	Book 15377, Pg. 366	Map 285, Parcel 007
Lewis Street Realty, LLC	119 Lewis St.	Book 12371, Pg. 220	Map 285, Parcel 015
Lewis Street Realty, LLC	115 Lewis St.	Book 12000, Pg. 418	Map 285, Parcel 016
Daniel & Joan P. Griffin	103 Lewis St.	Book 11743, Pg. 560	Map 285, Parcel 019
Jill C. & Louis Verrochi	87 Crocker Ave.	Land Court Cert. 143657	Map 285, Parcel 020

- 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.

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

DATED: October \_\_\_\_\_, 2015

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

“Exhibit A”

Legal description of portion of Lewis Street subject to Order of Layout, Acceptance and Taking, according to plan of land referenced therein:

Beginning at a point on southerly side of Crocker Avenue, thence:

N 82° 00' 07" W, 40 feet, thence:

N 07° 59' 53" W, 345.00 feet, thence:

S 82° 00' 07" E, 40.00 feet, thence:

S 07° 59' 53" E, 345.00 feet, to point of beginning.

# Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



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

TOWN OF FRANKLIN  
TOWN CLERK  
2015 SEP 29 PM 1:54  
RECEIVED

September 29, 2015

Deborah Pellegri, Town Clerk  
355 East Central Street  
Franklin, MA 02038

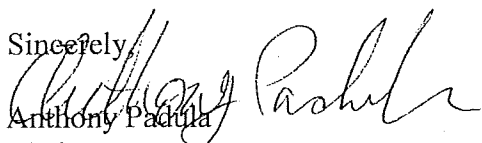
**RE: Street Layout and Acceptance of Private Way Portion- Lewis Street**

Dear Ms. Pellegri,

Please be advised that at its meeting on Monday, September 28, 2015 upon motion duly made and seconded, the Planning Board voted (4-0-1) to recommend Street Layout and Acceptance of Private Way Portion - Lewis Street to the Franklin Town Council.

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

Sincerely,

  
Anthony Padula  
Chairman

CC: Town Council  
Administration  
Building Department  
DPW/Engineering

File



**TOWN OF FRANKLIN**

**RESOLUTION 15-66**

**Reconstructing, Adding to, Equipping and  
Furnishing the Franklin Public Library**

**Whereas:** The Town Council has been advised of a need for reconstructing, adding to, equipping and furnishing the Franklin Public Library,

**NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Franklin that:**

- (1) \$10,500,000 is appropriated to pay costs of reconstructing, adding to, equipping and furnishing the Franklin Public Library, including the payment of all other costs incidental or related thereto; and that to meet this appropriation the Treasurer-Collector with the approval of the Town Administrator is authorized to borrow \$10,500,000 under G.L. c.44, §7 or pursuant to any other enabling authority.
- (2) This Resolution shall become effective according to the rules and regulations of the Town of Franklin Home Rule Charter.

**DATED:** \_\_\_\_\_, 2015

**VOTED:**  
**UNANIMOUS** \_\_\_\_\_  
**YES** \_\_\_\_\_ **NO** \_\_\_\_\_  
**ABSTAIN** \_\_\_\_\_  
**ABSENT** \_\_\_\_\_

**A True Record Attest:**

**Deborah L. Pellegrini**  
Town Clerk

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



# OFFICE OF THE TOWN ADMINISTRATOR

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## MEMORANDUM

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**DATE:** October 15, 2015  
**TO:** Town Council, Finance Committee  
**FROM:** Jeffrey D. Nutting, Town Administrator  
**RE:** Funding Library Project

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The Library Building Committee is requesting the Town Council vote to approve a Library Project Budget of \$11,500,000. The Town Council previously approved \$1,000,000 so the request is for \$10,500,000.

The Library project involved updating the Electrical, Mechanical, and Plumbing in the existing building, including compliance with the Americans with Disabilities Act and a small addition to provide space for the foreseeable future.

I have attached information about the proposed budget, background information about the library and information about our debt plan.

This project fits into our debt policy which is maintaining debt as part of the annual budget up to 3.5% of general fund revenues. I recommend the Town Council approve this project.

I am happy to answer any questions you may have and can be reached at 508-520-4949.

	Approved Project Budget	Current Project Budget/ Committed	Amount Paid to Date	Balance to Finish
<b>DIRECT CONSTRUCTION</b>				
Construction Costs (LLB/DPI Estimate October 2015)	\$7,500,000	\$0	\$0	\$0
Change Orders	\$0	\$0	\$0	\$0
<b>DIRECT CONSTRUCTION TOTAL</b>	<b>\$7,500,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>GENERAL DEVELOPMENT</b>				
Utilities Company Charges	\$50,000	\$0	\$0	\$0
Permitting - BoH, Planning, Con Comm	NIC	NIC	NIC	NIC
Temp Facilities Design and Procurement	\$25,000	\$0	\$0	\$0
Moving and Temp Relocation of Library	\$595,000	\$0	\$0	\$0
<b>GENERAL DEVELOPMENT TOTAL</b>	<b>\$670,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>ARCHITECTURE AND DESIGN</b>				
Basic Services	\$657,000	\$657,000	\$0	\$657,000
Reimbursable/Additional Services	\$65,600	\$0	\$0	\$0
Amendments	\$0	\$0	\$0	\$0
LEED Registering and Certification	NIC	NIC	NIC	NIC
<b>ARCHITECTURE AND DESIGN TOTAL</b>	<b>\$722,600</b>	<b>\$657,000</b>	<b>\$0</b>	<b>\$657,000</b>
<b>FURNITURE FIXTURES AND EQUIPMENT</b>				
FF&E Consultants	\$25,000	\$0	\$0	\$0
Furnishings including consultants	\$550,000	\$0	\$0	\$0
Phones, Computers and Misc Office Equipment	\$100,000	\$0	\$0	\$0
Specialist Library Equipment	NIC	\$0	\$0	\$0
Miscellaneous	\$50,000	\$0	\$0	\$0
<b>FURNITURE FIXTURES AND EQUIPMENT TOTAL</b>	<b>\$725,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>OTHER SERVICES</b>				
Hazardous Materials	\$20,000	\$0	\$0	\$0
Construction Inspections Testing	\$40,000	\$0	\$0	\$0
Surveying/Geotech Engineering	\$20,000	\$0	\$0	\$0
Commissioning	\$40,000	\$0	\$0	\$0
<b>OTHER SERVICES TOTAL</b>	<b>\$120,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Approved Project Budget	Current Project Budget/ Committed	Amount Paid to Date	Balance to Finish
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ADMINISTRATION

Legal Fees	\$10,000	\$0	\$0	\$0
Finance/Bonding Costs	NIC	\$0	\$0	\$0
Town Administration Costs	\$12,000	\$0	\$0	\$0
Printing & Advertising	\$15,000	\$0	\$0	\$0
Owner's Project Manager	\$225,400	\$225,400	\$0	\$225,400
<b>ADMINISTRATION TOTAL</b>	<b>\$262,400</b>	<b>\$225,400</b>	<b>\$0</b>	<b>\$225,400</b>

CONTINGENCY

Project and Soft Cost Contingency	\$250,000	\$0		\$0
Construction Contingency	\$1,250,000	\$0		\$0
<b>CONTINGENCY TOTAL</b>	<b>\$1,500,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>TOTAL PROJECT BUDGET</b>	<b>\$11,500,000</b>	<b>\$882,400</b>	<b>\$0</b>	<b>\$882,400</b>
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# RatingsDirect®

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## Summary:

# Franklin, Massachusetts; General Obligation

### Primary Credit Analyst:

Timothy J Daley, Boston (1) 617-530-8121; timothy.daley@standardandpoors.com

### Secondary Contact:

Apple Lo, Boston (1) 617-530-8316; apple.lo@standardandpoors.com

## Table Of Contents

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Rationale

Outlook

Related Criteria And Research

## Summary:

# Franklin, Massachusetts; General Obligation

### Credit Profile

US\$6.93 mil GO rfdg bnds ser 2015 due 03/15/2027

<i>Long Term Rating</i>	AA+/Stable	New
Franklin GO		
<i>Long Term Rating</i>	AA+/Stable	Affirmed

## Rationale

Standard & Poor's Ratings Services has assigned its 'AA+' long-term rating, and stable outlook, to the Town of Franklin, Mass.' series 2015 general obligation (GO) refunding bonds.

At the same time, Standard & Poor's has affirmed its 'AA+' long-term rating on the town's existing GO debt. The outlook is stable.

The long-term rating reflects what we view as the town's:

- Very strong economy, with access to a broad and diverse metropolitan statistical area (MSA);
- Strong management, with "good" financial policies;
- Strong budgetary flexibility, with an available fund balance in fiscal 2013 of 8.9% of operating expenditures;
- Adequate budgetary performance, with operating results that were balanced in the general fund but slightly negative at the total governmental fund level;
- Very strong liquidity, with total government available cash of 18.8% of total governmental fund expenditures and 3.7x governmental debt service and access to external liquidity we consider strong;
- Very strong debt and contingent liability position, with debt service carrying charges of 5.1% and net direct debt that is 50.0% of total governmental fund revenue, and low overall net debt less than 3% of market value; and
- A strong institutional framework score.

The town's full faith and credit pledge secures the bonds. We understand that Franklin will use the bond proceeds to refund its series 2006 and 2007 for debt service savings, with no extension of maturities.

### Very strong economy

We consider Franklin's economy to be very strong. Franklin, with an estimated population of 32,179, is located in Norfolk County in the Boston-Cambridge-Newton, Mass. Metropolitan statistical area (MSA), which we consider to be broad and diverse. The town has a projected per capita effective buying income of 134% of the U.S. level. In our opinion, the property tax base has stabilized. The town's market value grew by 4.1% over the past year to \$4.4 billion, equaling per capita market value of \$137,763 in 2015. On the whole, the tax base is very diverse at 6.6% and reflects the town's strong residential, commercial, and industrial base. The county unemployment rate was 6% in 2013.

### **Strong management**

We view the town's management conditions as strong, with "good" financial policies and practices under our Financial Management Assessment methodology, indicating financial practices exist in most areas, but that governance officials might not formalize or monitor all of them on a regular basis. Highlights of the town's management policies and practices include the finance department's monthly monitoring and reporting of budget and investment performance and a debt management policy that limits net general fund debt service to 4% of operating revenues (less debt exclusions and Massachusetts School Building Authority [MSBA] reimbursements). Town officials also have formalized reserve policies limiting the stabilization fund to a floor of \$5 million or 5% of recurring general fund revenue (less debt exclusions and MSBA reimbursement).

### **Adequate budgetary performance**

Franklin's budgetary performance is adequate in our opinion, with a slight surplus of \$305,000 (0.3% of budget) in the general fund, but a slight deficit across all governmental funds of \$1.8 million (negative 1.5% of budget) in fiscal 2013. The governmental funds operating result includes the adjusting out of a one-time MSBA reimbursement, and a one-time capital outlay financed by bond proceeds in the town's high school construction fund. Property taxes are the main source of revenue, constituting about 55% of the 2013 general fund. Intergovernmental aid makes up about 37%. Current-year collections remain what we view as strong, typically exceeding 99%, providing the town with a stable and predictable revenue source.

Management indicates fiscal 2014 closed with about a \$1 million surplus in the general fund due to strong motor vehicle excise tax performance. The town's fiscal 2015 general fund budget is balanced and totals \$110.6 million. Town officials project to close the fiscal year with a surplus in the general fund. If management's projections hold true, and the town's total governmental funds performance stabilizes, Franklin's budgetary performance could improve to a category we consider strong.

### **Strong budgetary flexibility**

Franklin's budgetary flexibility is strong, in our view, with an available fund balance in 2013 of 8.9% of operating expenditures, or \$9.6 million. Management expects to add an additional \$1 million to available reserves in fiscal 2014, which would improve the town's budgetary flexibility to \$10.6 million, equivalent to 10% of fiscal 2014 budgeted expenditures. We believe the town's budgetary flexibility will remain at a level we consider strong through 2015.

### **Very strong liquidity**

In our opinion, Franklin's liquidity is very strong, with total government available cash of 18.8% of total governmental fund expenditures and 3.7x governmental debt service in 2013. In our view, the town has strong access to external liquidity if necessary.

### **Very strong debt and contingent liabilities**

In our view, Franklin's debt and contingent liability profile is very strong. Total governmental fund debt service is 5.1% of total governmental fund expenditures, and net direct debt is 50% of total governmental fund revenue. Overall net debt is low at 1.8% of market value, which in our view is a positive credit factor. Management has additional debt plans of about \$10 million for various capital projects; however, we do not believe this will materially impact the town's debt burden.

Franklin participates in a cost-sharing, multiple-employer, defined benefit plan of the Norfolk County Contributory Retirement System. It contributed 100% of the annual required contribution in fiscal 2013, equivalent to 3.1% of expenditures. The town's share of the unfunded liability is about \$43.4 million and is 54% funded as of Jan. 1, 2014. The town provides other postemployment benefits (OPEB) through its own plan. The unfunded OPEB liability is approximately \$89.1 million. The town has started contributing to an OPEB stabilization fund to partially fund this liability. The town's OPEB contribution totaled \$2 million in fiscal 2013, equivalent to 1.7% of total governmental expenditures. Franklin's combined contribution in fiscal 2013 to pension and OPEB was about 4.8% of total governmental expenditures.

### Strong institutional framework

The institutional framework score for Massachusetts municipalities (other than counties) is strong. See Institutional Framework score for Massachusetts.

## Outlook

The stable outlook reflects what we view as the town's very strong liquidity position and strong budgetary flexibility. In addition, we believe Franklin's very strong economy and access to the Boston MSA lends stability to the town's tax base. Consequently, we do not expect to change the rating within the outlook's two-year time frame. Although unlikely, if management is unable to maintain structural balance resulting in what we view as weak budgetary performance and flexibility, we could lower the rating. All else being equal, over time, a demonstrated trend of strong budgetary performance and maintenance of strong budgetary flexibility could lead to positive rating action.

## Related Criteria And Research

### Related Criteria

- USPF Criteria: Local Government GO Ratings Methodology And Assumptions, Sept. 12, 2013
- USPF Criteria: Financial Management Assessment, June 27, 2006

### Related Research

- U.S. State And Local Government Credit Conditions Forecast, Dec. 10, 2014
- S&P Public Finance Local GO Criteria: How We Adjust Data For Analytic Consistency, Sept. 12, 2013
- Institutional Framework Overview: Massachusetts Local Governments

### Ratings Detail (As Of February 17, 2015)

Town of Franklin GO sch bnds		
<i>Long Term Rating</i>	AA+/Stable	Affirmed
<b>Franklin GO</b>		
<i>Unenhanced Rating</i>	AA+(SPUR)/Stable	Affirmed
Many issues are enhanced by bond insurance.		

Complete ratings information is available to subscribers of RatingsDirect at [www.globalcreditportal.com](http://www.globalcreditportal.com). All ratings

**FY 2016 debt as percent of general fund revenues**

**DRAFT**

<b>General fund operating budget</b>	<b>102,379,832</b>
plus:	
assessments	5,818,333
budgeted surplus	-
<b>Total General fund budget</b>	<b>108,198,165</b>
<b>Revenues to support budget:</b>	
tax levy base	64,102,017
debt excursions	3,483,820
MSBA reimbursement	825,934
State aid	30,554,710
Free Cash	-
other available funds	40,000
reserve for debt	-
bond premium	-
unused levy capacity	-
Local estimated receipts	8,150,000
transfer from enterprise (indirects)	1,042,000
<b>Total Revenues for budget</b>	<b>108,198,481</b>
NON OPERATING BUDGET USE	-
	<b>108,198,481</b>

Total Debt	7,136,563
less:	
debt stabilization use/reserve for debt	-
bond premium	-
school debt supported thru SBA/exclusion/reserve	(4,309,754)
<b>Debt supported through tax levy base</b>	<b>2,826,809</b>
Revenues (from above)	108,198,481
less revenues from outside sources:	
school debt supported through exclusion and SBAB reimb	(4,309,754)
Stab fund/reserve for debt/bond premium	-
<b>Revenues supporting General fund</b>	<b>103,888,727</b>
<b>Debt as percentage of general fund revenues</b>	<b>2.72%</b>

FY 15	2.78%
FY 14	2.93%
FY 13	3.11%
FY 12	3.19%
FY 11	3.08%
FY 10	3.43%
FY 09	2.70%
FY 08	2.78%
FY 07	3.10%



## Town of Franklin, Massachusetts

### Projected Debt Service (Inside Prop 2 1/2)

	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>
<b>1 Current Actual General Fund Debt Service</b>	2,738,808	2,656,466	2,572,536	2,479,126	2,107,751	2,045,121	1,975,376	1,671,491	1,322,561	1,121,056	1,072,456	960,656	130,625	-
2 Est General fund Rev Assumes \$2.5 Million Growth	103,888,727	106,388,727	108,888,727	111,388,727	113,888,727	116,388,727	118,888,727	121,388,727	123,888,727	126,388,727	128,888,727	131,388,727	133,888,727	136,388,727
3 Target at 3.5% of General Fund Revenues	3,636,105	3,723,605	3,811,105	3,898,605	3,986,105	4,073,605	4,161,105	4,248,605	4,336,105	4,423,605	4,511,105	4,598,605	4,686,105	4,773,605
4 Current Available Capacity (Under 3.5%)	<u>897,297</u>	<u>1,067,139</u>	<u>1,238,569</u>	<u>1,419,479</u>	<u>1,878,354</u>	<u>2,028,484</u>	<u>2,185,729</u>	<u>2,577,114</u>	<u>3,013,544</u>	<u>3,302,549</u>	<u>3,438,649</u>	<u>3,637,949</u>	<u>4,555,480</u>	<u>4,773,605</u>
<b>Projected Debt Service - Public Library</b>														
2.50% BAN Rate														
4.50% Bond Rate														
5	250,000	2015	BAN Interest	6,250										
6	5,000,000	2016	BAN Interest	-	125,000									
7	6,500,000	2016	BAN Interest		81,250									
8	11,500,000	2017	BAN Interest			287,500								
9	11,500,000	2018	Bond Principal			575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000
			Bond Interest			517,500	491,625	465,750	439,875	414,000	388,125	362,250	336,375	310,500
10	<b>Total Projected Debt Service</b>			6,250	206,250	287,500	1,092,500	1,066,625	1,040,750	1,014,875	989,000	963,125	937,250	911,375
11	<b>Total Actual &amp; Projected</b>	2,745,058	2,862,716	2,860,036	3,571,626	3,174,376	3,085,871	2,990,251	2,660,491	2,285,686	2,058,306	1,983,831	1,846,156	990,250
12	<b>Projected Available Capacity</b>	891,047	860,889	951,069	<b>326,979</b>	811,729	987,734	1,170,854	1,588,114	2,050,419	2,365,299	2,527,274	2,752,449	3,695,855

BAN - Bond Anticipation Note, short term 1-3 years  
 Bond - Long term borrowing, usually 10 to 25 years.

**1 year BAN in May 2015 for \$250,000, roll BAN for 1 year in May 2016 and make it \$5 million, BAN another \$6.5 million in December 2016 for 6 months, roll both BANs 1 more year in May 2017 for \$11.5 million. Bond the entire project for \$11.5 million in May 2018.**

Franklin Public Library  
Renovation & Space Needs  
Assessment

April 16<sup>th</sup>, 2014

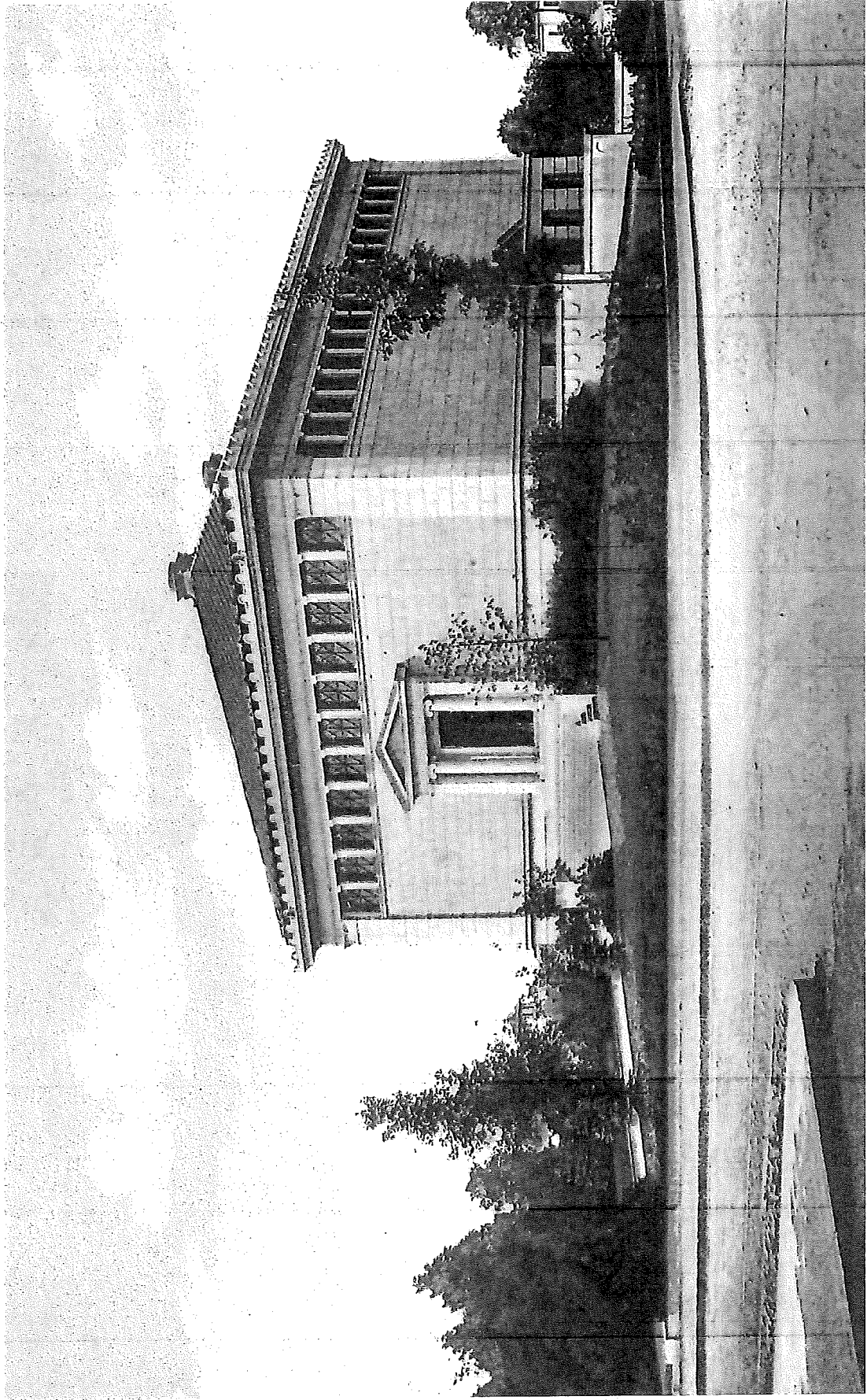
# Outline

1. History
2. Statistical Snapshot
3. Renovation
4. Building Constraints
5. Renovation Options
6. Conclusion

# 1. History

- ❑ Compelling history
- ❑ Ben Franklin's donation in 1778
- ❑ First public library established in 1790
- ❑ In 1904 Franklin Public Library got a permanent building – a gift from the Ray family
- ❑ In 1988 Library underwent extensive renovation

# Franklin Public Library - Built 1904



## 2. Library Data

	FY 2000	FY2005	FY2010	FY2014 Est	%
MBLC Municipal Appr Req'ment				938,743	
Approved Library Budget	822,641	806,661	778,622	637,949	22% ↓
FTE	19	14	11	9	52% ↓
Collection	71,591	88,025	100,332	119,939	68% ↑
Circulation	234,009	256,439	340,961	370,938	59% ↑
Library Visits	172,580	261,940	278,343	295,134	71% ↑
No of Children's programs	139	218	229	302	117% ↑
Weekly Computer/Internet Use			297	630	112% ↑

## 3. Renovation

### 2007 Feasibility Study

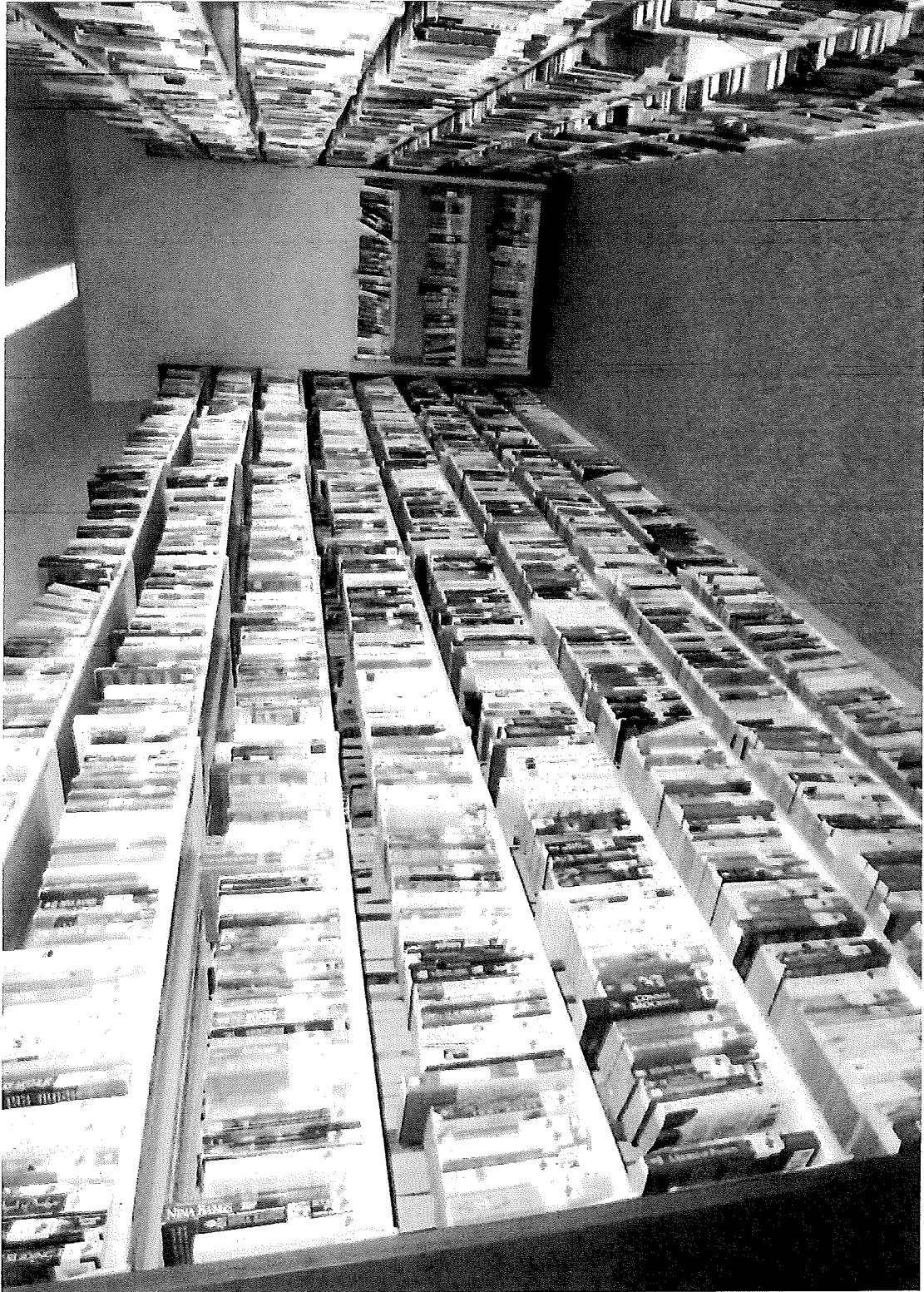
- Recommended a 3-phase project including cost estimates
  - Phase 1: Exterior Repairs and Restoration - **completed**
  - Phase 2: Interior Repairs and Regulatory/Code Upgrades
    - HVAC
    - MEP (Mechanical, Electrical, & Plumbing)
    - Toilet rooms
    - Fire Alarm Services
    - Full Sprinkler System/coverage
  - 2007 Cost Estimate = \$3m – see town admin 2007 memo

## 4. Space Constraints

- Collections
  - Children's, and Young Adults
  - Fiction
  - Audio Visual
  - Large Print, etc.
  
- Technologies
  
- Storage
  
- Community Meeting Space



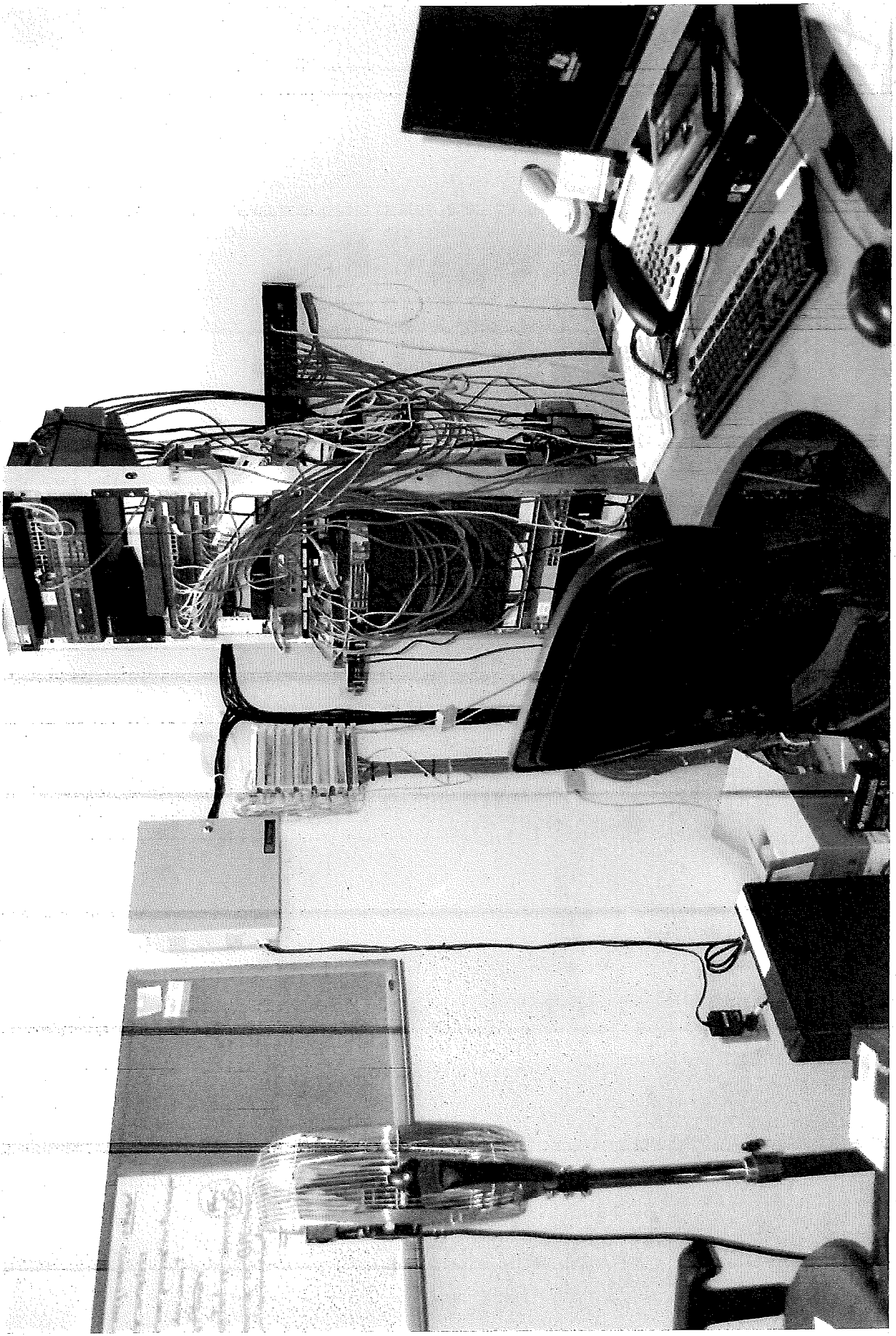
# Paperbacks: Overflowing



# Children's Room – Inadequate Space



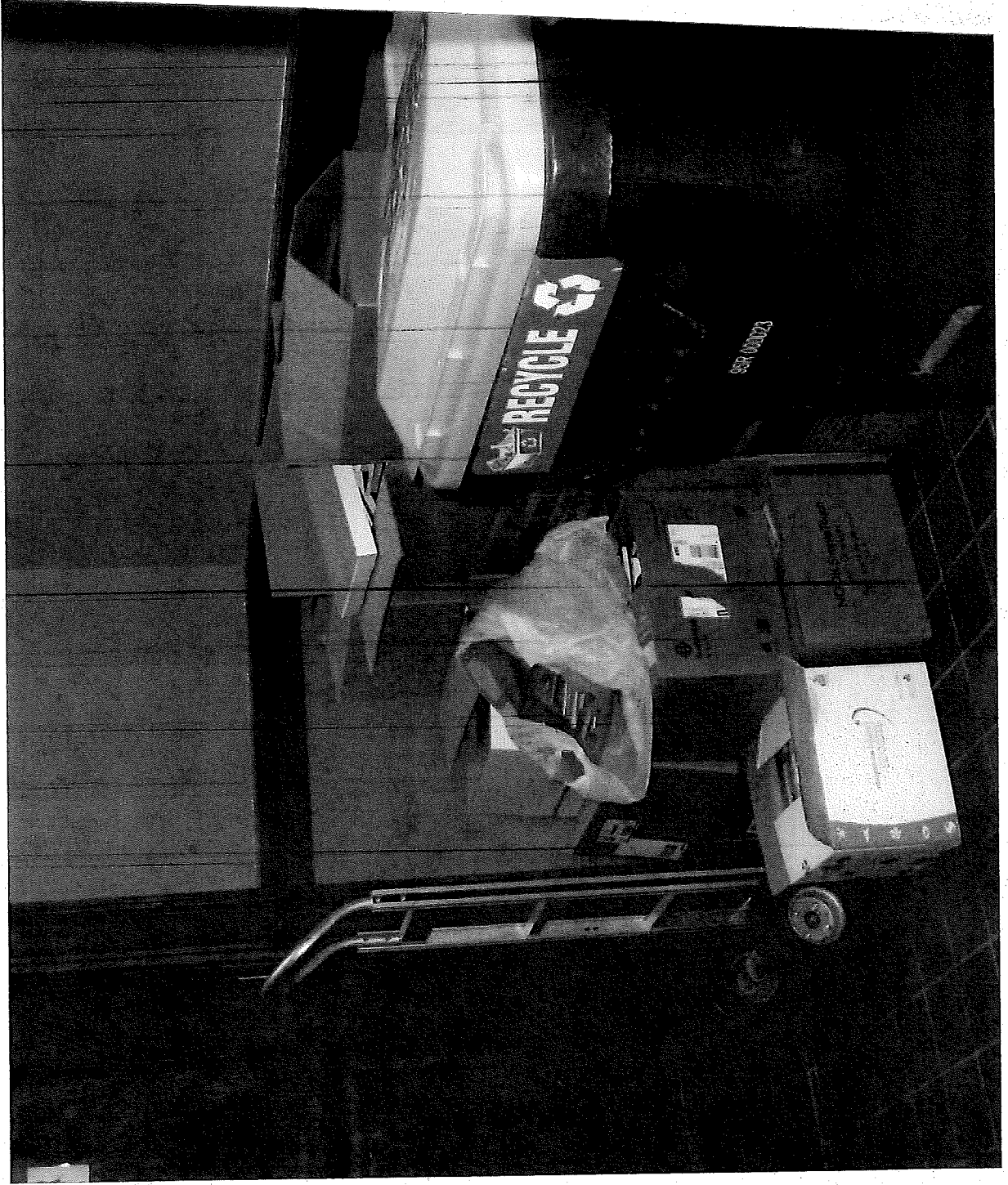
# Server Room



# Quiet Reading Room



# Ground Floor Hallway



# Inter-Library Loan Request Delivery



# Libraries Comparison

TOWN	Population	Pop Ranking	Size (gross sq ft)	Size Ranking
Millis	7,891	1	17,800	1
Westwood	14,117	2	32,000	5
Walpole	24,070	3	32,000	4
Needham	27,557	4	47,500	6
Norwood	28,271	5	28,820	3
Natick	33,000	6	66,000	7
Franklin	33,186	7	22,000	2

## 5a. Renovation Options – without addition

- Renovation without Addition
- 1000 sq ft. required to meet code
- This will be taken from existing library space for:
  - HVAC
  - MEP (Mechanical, Electrical, & Plumbing)
  - Toilet rooms
  - Fire Alarm Services
  - Full Sprinkler System/coverage
- Will significantly shrink an already small library
- Negatively impact current level of library services
- Negatively impact library strategic plan, initiatives and community priorities.



## 5b. Renovation Options – with addition

- Renovation with Addition
  - 6000 sq ft addition
  - Meet Code
  - Provide space to meet current and future library services for the next 20 years.
  - See Library strategic plan

## 6. Conclusion

- Library use and demand for services have continued to increase steadily
  - Collections – up 68% since 2000
  - Circulation – up 59%
  - Visits – up 71%
  - Programming – up 117%
  - Computer usage – up 112% since 2010
  
- First Library Building 1904
  - Franklin Population in 1904 was 5,017 people
  
- 1<sup>st</sup> Library Expansion 1988 (84 years later)
  - Franklin Population 20,000
  
- 2013 Franklin Population 33,000 (pop .up 65% yet still using space from 26 yrs ago)



**TOWN OF FRANKLIN**

**RESOLUTION NO.: 15-67**

**APPROPRIATION: Police Salaries**

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

**PURPOSE:** To Raise & Appropriate additional funds to the Police Salary Account:

FY 2016 Police Salaries 01210100-511250 \$15,000

**FINANCE COMMITTEE ACTION**

**Meeting Date: 10/20/15 Vote:**

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

**MOTION**

Be It Moved and Voted by the Town Council Raise and Appropriate the sum of Fifteen-Thousand Dollars (\$15,000) into the Police Department FY 2016 Salary Budget.

DATED: \_\_\_\_\_, 2015

VOTED:

UNANIMOUS \_\_\_\_\_

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

ABSTAIN \_\_\_\_\_

ABSENT \_\_\_\_\_

A True Record Attest:

Deborah L. Pellegrini  
Town Clerk

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

# OFFICE OF THE TOWN ADMINISTRATOR



## MEMORANDUM

**DATE:** October 13, 2015  
**TO:** Town Council, Finance Committee  
**FROM:** Jeffrey D. Nutting, Town Administrator  
**RE:** Appropriation Funds for Police and Fire Wages

**Police Salary Budget** - Our long-serving secretary in the Police Department recently retired. I met with the Police Chief to discuss an idea of not replacing her position and spreading out her duties among existing staff. After an internal review, the Police Chief developed a plan to assign her work to other staff members.

This change will free up about \$40,000 in the salary account on an annual basis. I would like to request the Town Council approve an additional \$15,000 into the police budget so that we could hire an additional police officer.

As you are aware, the hiring process is lengthy but with the additional funds, we could hire a police officer during the fiscal year with little or no impact on the next fiscal year's budget.

**Fire Salary Budget** - Please note the attached memo from the Fire Chief requesting funds to help transition new firefighters to replace retired firefighters, as well as some coverage for employees out on long-term disability. I am requesting \$75,000 for the remainder of the fiscal year with the goal that next year we can add a position with little effect on the budget. I am happy to answer any questions that you may have on the issue.

Please feel free to call with any questions 508-520-4949

cc: Steve Semerjian, Police Chief  
Gary McCarraher, Fire Chief  
Susan Gagner, Comptroller



**TOWN OF FRANKLIN**

**RESOLUTION NO.:** 15-68

**APPROPRIATION:** Fire Salaries

**TOTAL REQUESTED:** \$ 75,000

**PURPOSE:** To Raise & Appropriate additional funds to the Fire Salary Account:

FY 2016 Fire Salaries 01220100-511260 \$75,000

**FINANCE COMMITTEE ACTION**

**Meeting Date: 10/20/15 Vote:**

**Recommended Amount: \$ 75,000**

**MOTION**

Be It Moved and Voted by the Town Council Raise and Appropriate the sum of Seventy-five Thousand Dollars (\$75,000) into the Fire Department FY 2016 Salary Budget.

DATED: \_\_\_\_\_, 2015

VOTED:

UNANIMOUS \_\_\_\_\_

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

ABSTAIN \_\_\_\_\_

ABSENT \_\_\_\_\_

A True Record Attest:

Deborah L. Pellegrini  
Town Clerk

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



# FRANKLIN FIRE DEPARTMENT

TO : JEFFREY D. NUTTING, TOWN ADMINISTRATOR

FROM: G. B. McCARRAHER, FIRE CHIEF

DATE : 27 SEPTEMBER 2015

RE : BUDGET IMPACT OF REPLACEMENT PERSONNEL

The purpose of this memorandum is to review our cost estimates of personnel replacement as discussed. As you know, we now have two unanticipated retirements in addition to the vacancy created by an anticipated retirement. Further, we potentially have two additional retirements with personnel presently on Line-of-Duty injury leave.

In brief, I believe we can anticipate a budget shortfall of \$ 78,000 due to these vacancies and anticipated vacancies. The majority of this shortfall (\$36,400) is due to the payout of accrued vacation time that was not anticipated in the development of the FY'16 Budget. This amount also includes (\$ 30,000) in salary costs due to the anticipated coverage of an additional position (in anticipation of an opening) beginning 1 December and last through the end of Fiscal Year 2016. The remaining costs are associated with Uniform and clothing costs which were not anticipated for new hires as well as the sick leave buyout costs.

Thank you for your attention regarding this matter. Please contact me should you have any questions or require any additional information.

CC: FILE



**TOWN OF FRANKLIN**

**RESOLUTION 15-69**

**Amendment to the Town Administrators Contract**

**Whereas:** The Town Council ratified a five year contract for the Town Administrator from July 1, 2013 to June 30, 2018.

**BE IT RESOLVED THAT THE TOWN OF FRANKLIN** acting by and through the Town Council:

Hereby ratifies an amendment to the contract as follows:

The Town Council agrees to compensate Nutting for his services rendered:

- Effective- July 12, 2015 and increase from his Fiscal Year 2015 compensation by 3%
- Effective- July 10, 2016 an increase from his Fiscal Year 2016 Compensation by 2%
- Effective- July 9, 2017 an increase from his Fiscal Year 2017 Compensation by 2%

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

**DATED:** \_\_\_\_\_, 2015

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

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

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

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

**A True Record Attest:**

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

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



SPONSOR: ADMINISTRATION

## TOWN OF FRANKLIN

### RESOLUTION: 15-70

#### **AUTHORIZING TAX INCREMENT FINANCING, COLD CHAIN TECHNOLOGIES, INC. AND KNICKERBOCKER PROPERTIES, INC. XLIII**

**WHEREAS,** In March 2009 the Town Council adopted Resolution 09-14 establishing Franklin Industrial Park Economic Opportunity Area, an area containing 261.43± industrially zoned acres, including a property known as 135 Constitution Boulevard shown on the Town of Franklin Assessor's Map Number 319 as Parcel 319-013-000 (hereinafter "the Property"); and

**WHEREAS,** In April 2009 the Town Council adopted Resolution 09-25 agreeing to negotiate a tax increment financing agreement for each "Certified Project" located within the Town of Franklin's economic opportunity areas that will result in redevelopment of underutilized properties or development of new facilities, creation of permanent jobs, and also meet mandatory requirements within 402 CMR 2.00; and

**WHEREAS,** Cold Chain Technologies Inc. (hereinafter referred to as "the Company"), a Massachusetts corporation having its principal office at 29 Everett Street, Holliston, MA 01746, desires to move its Massachusetts based administration, manufacturing, and warehouse operations to the Property; and

**WHEREAS,** the Property is owned by Knickerbocker Properties, Inc. XLIII, a Delaware corporation with an address c/o Invesco Advisers, Inc., 1166 Avenue of the Americas, New York, NY 10036 (hereinafter referred to as "the Property Owner"); and

**WHEREAS,** the Company intends to lease the Property, the Property Owner and or Company will be making substantial improvements to the Property, and the Company will be equipping and operating the Property for its use in manufacturing, warehouse, and administration and other potential uses and activities; and

**WHEREAS,** the Company's and Property Owner's proposed improvements on the Property are expected to increase the total assessed valuation of the Property from its current \$9,600,400 (FY2015) to approximately \$10,968,400 million (FY2017); and

**WHEREAS,** the Company's proposed Project is expected to be "Certified" by the Economic Assistance Coordinating Council, and at which time would qualify for a Tax Increment Financing Agreement (TIF Agreement); and

**WHEREAS,** the Company and Property Owner are desirous to enter into a TIF Agreement with the Town of Franklin in accordance with the Economic Development Incentive Program and the provisions of Massachusetts General Laws Chapter 23A, Chapter 40, and Chapter 59;



**NOW, THEREFORE, BE IT RESOLVED THAT** the Town Council of the Town of Franklin approves execution of a TIF Agreement between the Town of Franklin, the Company and the Property Owner; and

**FURTHER,** the Chairman of the Town Council, the Town Administrator and other Town Officials and staff, as may be required, are authorized to sign all required documents and to take such actions relating to the said agreement; and

**FURTHER,** the Town Council of the Town of Franklin strongly supports the Company's efforts to obtain State investment tax credits and other development incentives, and therefore approves the submission of a Certified Project Application to the Economic Assistance Coordinating Council.

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

**DATED: October \_\_\_\_\_, 2015**

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

**A True Record Attest:**

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

**Deborah L. Pellegrini  
Town Clerk**

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

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

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

# OFFICE OF THE TOWN ADMINISTRATOR

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## MEMORANDUM

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**DATE:** October 15, 2015  
**TO:** Town Council  
**FROM:** Jeffrey D. Nutting, Town Administrator  
**RE:** Request Town Council endorse TIF agreement

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Please find attached request from Cold Chain Technologies for a Tax Incremental Finance Agreement (TIF) with the Town of Franklin. Cold Chain is currently located in Holliston, MA and wishes to relocate its corporate headquarters to 135 Constitutional BLVD. They also have locations in Tennessee and Nevada.

The TIF is a win/win. The building is currently vacant. The agreement allows them to get a tax break on the improvements they will make to the building while the town gets increase tax revenues as well.

The company will bring 180 jobs to the Town and expects that to grow by 50 over the next five years. We have done two other TIF's in Franklin for Hamilton Technologies and Tegra Medical.

Having a corporate headquarters also brings more income in meals and hotel tax.

I recommend the Town Council approve this request.

Please feel free to call with any questions 508-520-4949



RECEIVED

OCT 7 2015

TOWN ADMINISTRATOR  
TOWN OF FRANKLIN

Mr. Jeffrey Nutting  
Town Administrator  
355 East Central Street (Third Floor)  
Route 140  
Franklin, MA 02038

October 1, 2015

***RE: Intent to Apply For Massachusetts Economic Development Incentives Program (EDIP) in Franklin, MA***

Dear Mr. Nutting,

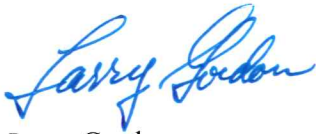
Cold Chain Technologies, Inc. hereby provides this letter of intent as required pursuant to the Economic Development Incentive Program (EDIP). On October 1, 2015 our representative, Rod Jané, and I first met with Bryan Taberner and John Allen to discuss the EDIP Program and the various incentives available in relation to a project involving the possible relocation of our manufacturing operations and corporate headquarters to a site located in Franklin, Massachusetts. The site of interest is an approximately 228,000 sq. ft. industrial building located on an approximately 12-acre parcel located at 135 Constitution Drive.

Cold Chain Technologies, Inc. (CCT) is a global leader in the development and delivery of thermal packaging solutions that protect the integrity of temperature sensitive pharmaceutical and bio-tech products. CCT's operations are currently housed in three facilities in Holliston, Massachusetts with a total space of approximately 140,000 sq. ft. In order to support the company's ongoing growth and to increase the efficiency of operations, we are evaluating plans to move to a larger, consolidated site with room for future growth. We are considering sites in close proximity to I-495 between Mansfield and Marlborough. Such a move would result in a relocation of 180 full-time equivalent employees from Holliston. We would also expect to create an additional 50 new full-time jobs over the next five years. In the case of the potential Franklin site, the company would plan to lease the facility and to invest between \$5 million to \$8 million for building renovations and additional equipment.

This expansion project will be one of the most expensive investments that CCT has undertaken in its history and we are therefore investigating various site locations in our dedicated efforts to control the high cost of a potential move. Cost savings that may arise from Tax Increment Financing and the EDIP Investment Tax Credits are real and substantial and will likely be critical to the final site selection. We appreciate the enthusiasm for the project displayed by Mr. Taberner and Mr. Allen at our initial meeting

and hope that the Town will consider supporting this project with EDIP incentives including Tax Increment Financing. We look forward to continuing our discussions with the Town of Franklin and the Commonwealth of Massachusetts about the possible relocation and expansion of our corporate headquarters and manufacturing operations in Franklin, Massachusetts.

Sincerely,



Larry Gordon  
Chief Executive Officer

cc: Peter Milano, MA Office of Business Development

## Cold Chain Technologies

### Franklin Site

#### Economic Development Benefits & TIF Proposal

##### Economic Benefits

- Approximately 180 full-time jobs to be relocated to Franklin
- Additional 50 full-time jobs created over the next five years
- Will fill a currently unoccupied building which will increase the property's value and local tax revenues
- Building renovations will improve the quality of the building and generate incremental local tax revenues from the project site conservatively estimated at \$284,000 over the next 15 years even with a TIF Agreement (see TIF Pro Forma)
- Economic activity from in-town spending of 180 (eventually 230) full-time employees traveling to Franklin every day (meals, gas, dry-cleaning, grocery shopping, retail, etc.)
- Incremental hotels and meal tax for Town of Franklin from visitors to and employees of Cold Chain Technologies
- Private investment estimated to be \$5 - \$8 million in renovations and equipment

##### TIF Proposal

- 15 year term
- Percentage exemptions for first 10 years replicate those of New England Precision Grinding Holdings project in Franklin in 2008 (169 retained jobs)
- Potential investment tax credit from the state of \$300,000 to \$480,000
- Critical that TIF term be at least 13 years to waive potential claw back provisions on the investment tax credit
- Estimate of incremental town tax revenues: Assuming property value increases by \$6 per sq. ft., the incremental real estate tax revenues for the town with the project and TIF Agreement are estimated to be: \$223,000
- Estimate of local tax savings to Cold Chain Technologies: Assuming property value increases by \$6 per sq. ft., the incremental real estate tax savings for Cold Chain Technologies with the project and TIF Agreement are estimated to be: \$217,000

### Requested Multi-year Local Tax Exemption - Cold Chain Technologies

Cold Chain Technologies (CCT) proposes to relocate its operations to 135 Constitution Boulevard in Franklin Industrial Park. Proposed improvements expected to increase the value of the 228,000 SF building by \$6.00 per square foot (\$1,368,000). Potential Increased Real Estate Tax for Year 1 after proposed improvements is calculated to be over \$20,000.

CCT is requesting a 15 year Tax Increment Finance agreement, starting with an abatement of 95% of the increased assessed value in Year 1, decreasing each year to 5% of the increased assessed value in Year 15.

The Proposed TIF percentages are very similar to the last two TIF agreements executed by the Town.

A TIF agreement will allow CCT to request State investment tax credits through MOBD.

Expected Increased Property Value	Tax Rate per \$1,000	Annual Increased Tax Revenue(a)
\$1,368,000	\$14.84	\$20,301.12

Potential Increased Tax Revenue (a)	Year	Fiscal Year	Requested Exemption Percentages	Requested Local Tax Exemptions	Increased Tax Revenue If TIF is Approved.
\$20,301.12	1	2015	95%	\$19,286.06	\$1,015.06
\$20,301.12	2	2016	90%	\$18,271.01	\$2,030.11
\$20,301.12	3	2017	85%	\$17,255.95	\$3,045.17
\$20,301.12	4	2018	80%	\$16,240.90	\$4,060.22
\$20,301.12	5	2019	75%	\$15,225.84	\$5,075.28
\$20,301.12	6	2020	70%	\$14,210.78	\$6,090.34
\$20,301.12	7	2021	65%	\$13,195.73	\$7,105.39
\$20,301.12	8	2022	60%	\$12,180.67	\$8,120.45
\$20,301.12	9	2023	55%	\$11,165.62	\$9,135.50
\$20,301.12	10	2024	50%	\$10,150.56	\$10,150.56
\$20,301.12	11	2025	40%	\$8,120.45	\$12,180.67
\$20,301.12	12	2026	30%	\$6,090.34	\$14,210.78
\$20,301.12	13	2027	20%	\$4,060.22	\$16,240.90
\$20,301.12	14	2028	10%	\$2,030.11	\$18,271.01
\$20,301.12	15	2029	5%	\$1,015.06	\$19,286.06
\$20,301.12	16	2030	0%	\$0.00	\$20,301.12
\$20,301.12	17	2031	0%	\$0.00	\$20,301.12
\$20,301.12	18	2032	0%	\$0.00	\$20,301.12
\$20,301.12	19	2033	0%	\$0.00	\$20,301.12
\$20,301.12	20	2034	0%	\$0.00	\$20,301.12
\$406,022.40				\$168,499.30	\$237,523.10

Total 15 Year Increased Tax Revenue without TIF Agreement	\$304,516.80
Total 15 Year Increased Tax Revenue if TIF Agreement is approved at requested tax exemption percentages	\$136,017.50
Total 20 Year Increased Tax Revenue without TIF Agreement	\$406,022.40
Total 20 Year Increased Tax Revenue if TIF Agreement is approved at requested tax exemption percentages	\$237,523.10

**Notes:**

(a) Potential Increased Tax Revenue is based on following values and assumptions:

- (1) Fiscal Year 2015 tax rate of \$14.84 per thousand.
- (2) Tax rate and Property values for future fiscal years is likely to change.
- (3) Increased property value at buildout of \$1,368,000.

Card 1 of 1

Location 135 CONSTITUTION BLVD	Property Account Number 025- 014-01	Parcel ID 319-013-000-000 Old Parcel ID -025-014-01-
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Current Property Mailing Address

Owner KNICKERBOCKER PROPERTIES INC	City ATLANTA
C/O MARVIN F POER & COMPANY	State GA
Address 3520 PIEDMONT RD NE SUITE 410	Zip 30305
	Zoning

Current Property Sales Information

Sale Date 1/19/2005	Legal Reference 22002-071
Sale Price 15,550,000	Grantor(Seller) DAVEL REALTY ASSOCIATES,

Current Property Assessment

Year 2015	<u>Card 1 Value</u>
Land Area 12.074 acres	Building Value 5,597,200
	Xtra Features Value 81,300
	Land Value 3,921,900
	Total Value 9,600,400

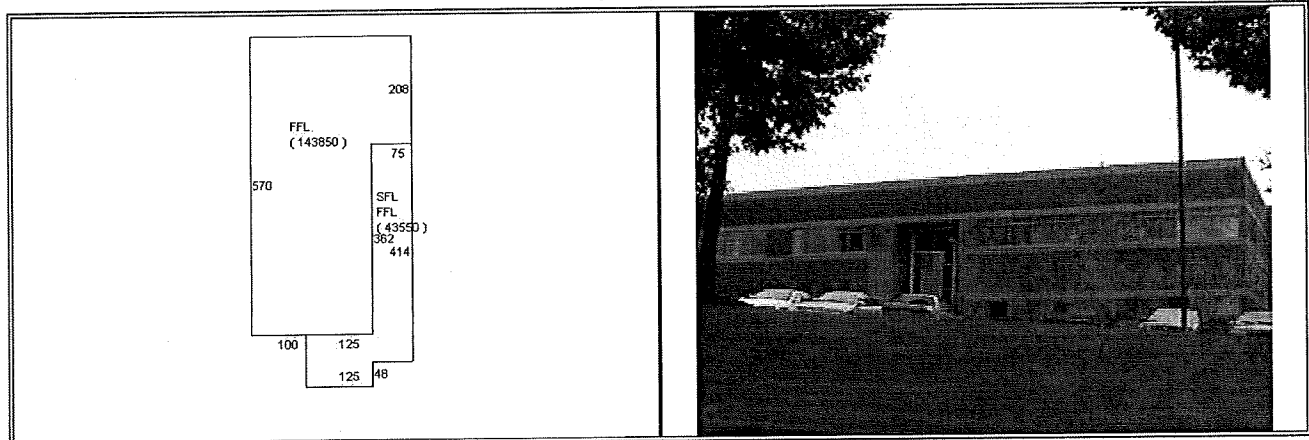
Narrative Description

This property contains 12.074 acres of land mainly classified as IND WAREHSE with a(n) WAREHOUSE style building, built about 1987 , having STEEL exterior and MEMBRANE roof cover, with 1 unit(s), 0 total room(s), 0 total bedroom(s), 0 total bath(s), 8 total half bath(s), 0 total 3/4 bath(s).

Legal Description

DEV-BLDR LOT PLAN 3570 DAVEL REALTY ASSOCIATES

Property Images





TOWN OF FRANKLIN  
ZONING BY-LAW AMENDMENT 15-752

NONCONFORMING BUILDINGS, STRUCTURES, AND USES

A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT  
CHAPTER 185, SECTION 18.

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

Chapter 185 of the Code of the Town of Franklin is hereby amended at Section 185-18.  
Nonconforming buildings, structures and uses by adding and ~~deleting~~ the following text:

§185-18.A.(3) Other preexisting nonconforming buildings or structures may be extended, altered, ~~or~~ changed, or demolished and reconstructed, upon the granting of a special permit from the Board of Appeals if the Board of Appeals finds that such extension, alteration, ~~or~~ change, or demolition and reconstruction will not be substantially more detrimental to the neighborhood than the existing nonconforming building or structure.

---

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: \_\_\_\_\_, 2015

VOTED:

UNANIMOUS \_\_\_\_\_

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

ABSTAIN \_\_\_\_\_

ABSENT \_\_\_\_\_

A True Record Attest:

Deborah L. Pellegrini  
Town Clerk

---

Judith Pond Pfeffer, Clerk



# Town of Franklin

Town Administrator  
Tel: (508) 520-4949


Fax: (508) 520-4903



355 East Central Street  
Franklin, Massachusetts 02038-1352

## MEMORANDUM

TO: Franklin Town Council

FROM: Jeffrey D. Nutting, Town Administrator 

RE: Proposed Amendment to Zoning Bylaw to Liberalize Treatment  
of Pre-Existing, Non-Conforming Commercial Properties

DATE: September 2, 2015

Section 185-18 of the Franklin Zoning Bylaw addresses the legal status of pre-existing, non-conforming (with present zoning) properties. In particular, Subsection 185-18A(3) currently provides that a commercial property may be "extended, altered or changed" upon the grant of a special permit from the Zoning Board of Appeals. The Town Attorney has given his opinion that "extended, altered, or changed" does not include demolition and reconstruction"; this places a substantial burden on an owner or developer proposing to redevelop a commercial property by demolishing an existing building and building a new one, because that party cannot seek a special permit but must instead seek a variance from the Zoning Board of Appeals which requires satisfying much more stringent legal criteria. This would be the case even if the proposed demolition and reconstruction would be an improvement over the existing property. By adding "demolition and reconstruction" to Subsection 185-18A(3) of the zoning bylaw, the amendment will make it easier for an owner or developer of commercial property to redevelop and improve it. Please note: abutters and neighborhoods will still be protected because the party must still apply to the Zoning Board of Appeals for a special permit and introduce evidence at a public hearing that all criteria for a grant are satisfied; this includes not only the specific criteria set out in Section 185-45D(2) but also Section 185-18A(3)'s criteria that "the demolition and reconstruction will not be more detrimental to the neighborhood than the existing, non-conforming building or structure".

If any of you have any questions about this prior to next week's Council meeting, I am available to answer them.

MGC:ce

cc: Mark G. Cerel, Town Attorney  
Bryan Taberner, Director of Community Planning  
Beth Wierling, Planner

