

#### FRANKLIN TOWN COUNCIL July 13, 2016 7:00 PM

- A. APPROVAL OF MINUTES June 22, 2016
- **B. ANNOUNCEMENTS** This meeting is being recorded by Franklin TV and shown on Comcast channel 11 and Verizon channel 29. This meeting may also be recorded by others.
- C. PROCLAMATIONS/RECOGNITIONS
- **D. CITIZEN COMMENTS** Citizens are welcome to express their views for up to five minutes on a matter that is not on the Agenda. The Council will not engage in a dialogue or comment on a matter raised during Citizen Comments. The Town Council will give remarks appropriate consideration and may ask the Town Administrator to review the matter.
- E. APPOINTMENTS
- F. HEARINGS Public Hearings 7:10 PM
  - 1. Zoning Bylaw Amendment: 16-762: Amendment to Chapter 185, Section 31 Site Plan and Design Review
  - 2. Zoning Bylaw Amendment 16-764: Amendment to Chapter 185, Section 31, Site Plan and Design Review
- **G. LICENSE TRANSACTIONS** Open Public Hearing 7:10 PM

<u>New Alcoholic Beverages Restaurant License -</u> Teddy Gallagher's Pub

- H. PRESENTATIONS/DISCUSSIONS -
  - <u>Preventive Maintenance Program –</u>
     Facilities
  - Town of Franklin Charter Review
- I. SUBCOMMITTEE REPORTS
- J. LEGISLATION FOR ACTION
  - 1. Resolution 16-48: Declaration of Town-Owned Land (Unimproved Lot off Panther Way) as Surplus and Available for Disposition and Authorization to Convey Same for Nominal Consideration to the Franklin Municipal Affordable Housing Trust Fund (two thirds vote (6))
  - 2. Resolution 16-49: Acceptance of Gift of Unimproved Land at 65 Prospect Street, Franklin (Simple majority)
  - 3. Resolution 16-50: Acceptance of Gift Franklin Fire Dept. (Simple majority)
  - 4. Zoning Bylaw Amendment 16-753: Zoning Map Changes From Single Family
    Residential IV to General Residential V in an Area on or Near West Central Street
    Continued 2<sup>nd</sup> Reading (Motion to adopt Zoning Bylaw Amendment 16-753 Roll
    Call –two thirds vote (6))
  - 5. <u>Zoning Bylaw Amendment: 16-762: Amendment to Chapter 185, Section 31 Site Plan</u> <u>and Design Review- 1<sup>st</sup> Reading (Motion to move Zoning Bylaw Amendment 16-762 –</u> to a 2<sup>nd</sup> Reading – Simple majority)

- 6. <u>Bylaw Amendment 16-763: Amendment to Chapter 153, Section 16 Stormwater</u>

  <u>Management 2<sup>nd</sup> Reading (Motion to Adopt Bylaw Amendment 16-763 Roll Call Majority vote of Full Council (5))</u>
- 7. <u>Zoning Bylaw Amendment 16-764: Amendment to Chapter 185, Section 31, Site Plan</u> and Design Review- 1<sup>st</sup> Reading (Motion to move Bylaw Amendment 16-764 to a 2<sup>nd</sup> Reading – Simple majority)
- 8. <u>Bylaw Amendment 16-765: Amendment to Chapter 170, Vehicles and Traffic, Article III, Traffic Signs, Signals, Markings and Zones, §170-10 Authority of Highway Foreman and §170-12 Interference Prohibited, Violations and Penalties. I<sup>st</sup>

  Reading (Motion to move Bylaw Amendment 16-765 to a 2<sup>nd</sup> Reading Simple majority)</u>
- 9. <u>Bylaw Amendment 16-766: Amendment to Chapter 170, Vehicles and Traffic, at Article IV, Stopping, Standing and Parking, §170-15 Parking Prohibitions and Limitations and §170—17 "Resident Only" Parking 1<sup>st</sup> Reading (Motion to move 16-766 to a 2<sup>nd</sup> Reading Simple Majority)</u>
- 10. Bylaw Amendment 16-767: Amendment to Chapter 170, Vehicles and Traffic at Article V, Parking Meter Zones, §170-19 Establishment and §170-20 Additional Regulations; Violations and Penalties 1<sup>st</sup> Reading (Motion to move Bylaw Amendment 16-767 to a 2<sup>nd</sup> Reading Simple majority)
- K. TOWN ADMINISTRATOR'S REPORT
- L. FUTURE AGENDA ITEMS
- M. COUNCIL COMMENTS
- N. EXECUTIVE SESSION
- O. ADJOURN

#### FRANKLIN TOWN COUNCIL MINUTES OF MEETING June 22, 2016

A meeting of the Town Council was held on Wednesday, June 22, 2016 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Glenn Jones, Matthew Kelly, Thomas Mercer, Peter Padula, Deborah Pellegri, Judith Pond Pfeffer, Robert Vallee. Councilors absent: None. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Jamie Hellen, Deputy Town Administrator; Mark Cerel, Town Attorney.

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

ANNOUNCEMENTS: ► Chairman Kelly announced the meeting would be recorded by *Franklin TV* and available for viewing on Comcast Channel 11 and Verizon Channel 29. This meeting may also be recorded by others. ► The Franklin School for the Performing Arts will be setting off on a three-week concert tour of Europe tomorrow and will provide a presentation at tonight's meeting. ► Ms. Raye Lynn Mercer, Director of the Franklin School for the Performing Arts, introduced Electric Youth, an ensemble of young people from the Greater Franklin area, and noted the group will perform fifteen shows during their tour of Europe including at the American Embassy in Rome. Electric Youth travels with an eight-piece band; the group sang a cappella for the Town Council.

PROCLAMATIONS/RECOGNITIONS: ► Swearing in of Police Chief, Thomas J. Lynch.

► Swearing in of Deputy Police Chief, James Mills. ■Town Clerk Teresa Burr gave the oath of office for the swearing in of Deputy Police Chief James Mills and Police Chief Thomas J. Lynch. ■ Police Chief Lynch thanked all for their confidence in his abilities and for their support. ■ Deputy Police Chief Mills thanked his family and friends for their support. ■ Former Police Chief Lawrence Benedetto spoke about the lives and careers of both Lynch and Mills. ■Chairman Kelly noted four Franklin police chiefs, Lawrence Benedetto, Stephen Williams, Stephan Semerjian, and Thomas Lynch, were at tonight's meeting and requested a photograph. He congratulated the new police chief and deputy police chief.

Chairman Kelly called a five-minute recess.

**APPROVAL OF MINUTES:** *June 8, 2016.* ► **MOTION** to **Approve** the June 8, 2016 meeting minutes by **Jones. SECOND** by **Padula. No discussion. VOTE: Yes-6, No-0, Absent-3.** (Mr. Mercer, Mr. Bissanti, and Mr. Dellorco had not yet returned from the recess.)

CITIZEN COMMENTS: ► Mr. Kevin Burch, 385 Coronation Drive, thanked the Town Council for the opportunity to speak. He discussed the project to repave roads in the Coronation Drive/Southgate Drive area. He stated the sidewalks are very necessary for children to get to and from school and very important for children to get around the neighborhood. He and others from the neighborhood met with Brutus Cantoreggi and looked at the plans for the paving of Coronation Drive which will include narrowing of the road for increased green space to conform to EPA sustainable water project. The neighbors are concerned that the town will be removing a sidewalk that has existed for 50 years and children rely on it. Franklin is considered one of the safest cities in the country; a safety issue will be created if the sidewalk is removed. The neighbors are not comfortable moving forward with this; they are hopeful that as there is not a signed bid for this project, the town will reconsider the plan. He noted this plan is going forward in other areas of town such as near BJs—the difference is there were never sidewalks and it is not near a school. At Coronation Drive, the residents are losing sidewalks and are near a school. He noted there were only a few residents at this meeting, but when Mr. Cantoreggi came to the neighborhood he was surrounded by about 50 residents concerned with the plans. The neighbors are willing to work with ideas on this. He thanked the Town Council for their consideration to keep the sidewalks.

APPOINTMENTS: Annual Committee Re-Appointments. ► Ms. Pfeffer read the Appointed Committee Members June 2016 list. ► MOTION to Ratify the Annual appointments to the boards and commissions as presented by Mercer. SECOND by Jones. Discussion: ► Ms. Pellegri stated Delwyn Arnold must be withdrawn as an Associate Member of the Historical Commission because he is Chairman of the Friends of Franklin Historical Museum. ► MOTION to Withdraw Delwyn Arnold as Associate Member of the Historical Commission by Pellegri. SECOND by Jones. Discussion: ► Ms. Pfeffer asked if Mr. Arnold had volunteered for this position. ► Mr. Nutting stated originally Mr. Arnold was not on the list, but the Town Clerk thought Mr. Arnold was supposed to be appointed, so he put him on. ► Ms. Pfeffer asked if Mr. Arnold should be consulted before he is removed. ► Mr. Nutting stated that if he is removed, he can always be added back at the next meeting. ► Ms. Pellegri stated the bylaws for the Friends state they cannot be on the Commission. ► Mr. Nutting stated he agreed with Ms. Pellegri's motion. VOTE (to remove Mr. Arnold as Associate Member of the Historical Commission): Yes-9, No-0, Absent-0.

**HEARINGS:** *None.* 

LICENSE TRANSACTIONS: None.

**PRESENTATIONS/DISCUSSIONS:** ▶ *Downtown Parking.* ■ Mr. Nutting stated that for many months he has worked with the Downtown Partnership, Police Department, DPW and others on a proposed parking plan for the downtown area. Once this plan is adopted, it will become the official plan for the area. Consideration was given to existing parking and the fact that meters have been removed and not replaced. Entire area was reviewed to determine what made sense for a parking plan. He reviewed the presented color-coded map and explained the changes. He noted the plan provided uniformity so the rules could be enforced. The parking control officer works about 18-20 hours per week and would monitor this. ► Mr. Vallee stated this needs to be monitored carefully as he has seen much abuse. ► Mr. Padula questioned as this plan is color coded would the signs be color coded. ▶Mr. Nutting stated there will be no parking signs is the red areas. Signs will not be color coded, but will indicate the hours. ►Ms. Pfeffer asked about Winter Street regarding games held at Fletcher Field. ▶Mr. Nutting stated that after 2 PM people can park as they wish. ►Mr. Dellorco asked about town parking from 6 AM to 2 PM. ►Mr. Nutting stated if a commuter has a sticker, they can park in the space 24/7. If the commuter spaces are not all taken by noon, then anyone can use the space. Mr. Mercer clarified that after 2 PM there are no restrictions on any spots, blue or purple. Mr. Nutting stated if this plan gets adopted it is a beginning and can be looked at every year. ►Mr. Bissanti stated he applauded the group that put this parking plan together. ▶Mr. Jones concurred with Mr. Bissanti. He asked if there was any way to potentially negotiate with businesses such as Rockland Trust about sharing their spaces. ►Mr. Nutting stated they try to work with the business community. ►Ms. Pellegri asked if the bylaw would be updated before this new parking plan is tried out. ►Mr. Nutting stated he was going to try to bring this to the next Town Council meeting. There is a lot to amend. The goal is to describe the bylaw according to the map, not by the street. After the parking in the downtown area is completed, they will have to look street by street to see if the parking matches up with the bylaw. Chairman Kelly stated there were two updates he would like to see. There are many multi-families on Union Street and their overflow parking seems to go onto Pearl Street and take both sides of the road. So, at the start of Pearl Street, maybe the first two houses in, no parking. And, at the start of Crescent Street at the Main Street end, for the first two or three house on the left side, no parking. He noted people can always park at the Historical Museum during the day. ▶Mr. Nutting stated once the Town Council votes for this, the DPW will start putting up the signs.

SUBCOMMITTEE REPORTS: None.

#### LEGISLATION FOR ACTION:

- Resolution 16-43: Trades Collective Bargaining Contract. Ms. Pfeffer read the resolution.
   MOTION to Move Resolution 16-43 for Trades Collective Bargaining Contract by Mercer.
   SECOND by Padula. Discussion: ►Mr. Nutting stated this is the last of the nine collective bargaining agreements to be ratified. This is a three-person union and consistent with the other municipal contracts with a 2 percent cost of living increase. VOTE: Yes-9, No-0, Absent-0.
- 2. Resolution 16-44: Acceptance of Main Street Easement (Simple Majority). Ms. Pfeffer read the resolution. MOTION to Move Resolution 16-44 for Acceptance of Main Street Easement by Mercer. SECOND by Dellorco. Discussion: ►Mr. Nutting reviewed that in order to construct the additional spaces on the north side of Emmons Street and not lose the spaces adjacent to Bank of America, an easement was needed to widen the roadway surface and move the sidewalk closer to the Bank's building. ►Mr. Cerel stated on the easement agreement, Exhibit 1, Paragraph 2, a change was made on the insurance coverage and it should indicate \$1 million, not \$3 million. ►Ms. Pfeffer questioned the parking on both sides of Emmons Street and confirmed it was going to stay one way. VOTE: Yes-9, No-0, Absent-0.
- 3. Resolution 16-45: OPEB Appropriation. Ms. Pfeffer read the resolution. MOTION to Move Resolution 16-45 for OPEB Appropriation, amount requested \$200,000 by Mercer. SECOND by Dellorco. Discussion: ▶ Mr. Nutting stated that at every year's end if there is free cash left they try to put it towards OPEB. The unofficial fiscal policy is to try to put in 10 percent of free cash; there would be only \$33,000 left in free cash until June 30<sup>th</sup>. ▶ Ms. Pfeffer asked if there were any other needs of the town for the \$200,000 as \$400,000 was already put into OPEB. ▶ Mr. Nutting stated there is much need, but this is also needed to meet financial responsibilities. They try to increase a little every year. ▶ Mr. Jones asked if this money was not appropriated what would the auditor's look at. ▶ Mr. Nutting stated this is a concern when the town borrows money as fiscal stability is looked at. OPEB is not a legal obligation, it is just a good idea and have to keep going. He noted free cash is used for capital and one-time expenses. ▶ Mr. Bissanti asked if this was money that could have gone to something else, such as roads. ▶ Mr. Nutting stated Yes. VOTE: Yes-9, No-0, Absent-0.
- 4. Resolution 16-46: DPW Surveying Appropriation. Ms. Pfeffer read the resolution. MOTION to Move Resolution 16-46 for DPW Surveying Appropriation, amount requested \$33,000 by Mercer. SECOND by Padula. Discussion: ▶Mr. Nutting stated it has been on the Master Plan for a sidewalk on Beaver Street and this money would begin the survey work and then start to work with the MBTA on the crossing. ▶Mr. Vallee asked about free surveying work from Norfolk County. It could save a lot of money. ▶Mr. Nutting stated there is a waiting line for surveying, but they can ask. ▶Mr. Dellorco thought they may have gotten rid of the survey department. ▶Mr. Padula stated he would follow-up on Mr. Vallee's question. ▶Mr. Cantoreggi stated they would do one side of the street; sidewalks would only go to the Beaver Street recreation area. They have to work with MBTA and Keolis. VOTE: Yes-9, No-0, Absent-0.
- 5. Resolution 16-45: Legal Services Appropriation. Ms. Pfeffer read the resolution. MOTION to Move Resolution 16-46 for Legal Services Appropriation, amount requested \$4,000 by Mercer. SECOND by Dellorco. Discussion: ►Mr. Nutting stated special counsel was engaged for the pipeline and the power plant and might be a little short; this money is to make sure there will be sufficient funds. VOTE: Yes-9. No-0. Absent-0.
- 6. Bylaw Amendment 16-760: Amendment to Water System Map 2<sup>nd</sup> Reading (Motion to adopt Bylaw 16-760: Roll Call Vote Simple Majority). Ms. Pfeffer read the bylaw amendment. MOTION to Move Bylaw Amendment 16-760: Amendment to Water System Map by Mercer.

**SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated this is the second reading to allow for the construction of three homes on Longhill Road and will also help to loop the water line and the sewer to get the road all the way through. It is a win-win for the town. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. **VOTE:** Yes-9, No-0, Absent-0.

7. Bylaw Amendment 16-761: Amendment to Sewer System Map – 2<sup>nd</sup> Reading (Motion to adopt Bylaw 16-761: Roll Call Vote – Simple Majority). Ms. Pfeffer read the bylaw amendment. MOTION to Move Bylaw Amendment 16-761: Amendment to Sewer System Map by Mercer. SECOND by Dellorco. Discussion: ▶Mr. Nutting stated same comment as for Bylaw Amendment 16-760. ▶Mr. Bissanti asked if the town makes money on water and sewer connections. ▶Mr. Nutting stated there is a connection fee. Water service is a good thing to fight fires. Loops are always better than dead-ends for quality. ▶Ms. Pellegri remarked that it had been difficult in the past to get water and sewer tie-ins. ▶Mr. Nutting stated he did not think a water extension permit has been denied in ten years; maybe two sewer extensions. Generally, water extensions have been seen favorable by the Town Council. This bylaw was passed in the 1990s. There was a sewer moratorium for a while in early 2000s. ▶Mr. Cantoreggi explained the application process and noted there are some that the Town Council never sees because a benefit for the town is not found. ▶ROLL CALL VOTE: Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. VOTE: Yes-9, No-0, Absent-0.

**TOWN ADMINISTRATOR'S REPORT:** ► Mr. Nutting deferred to the Director of Public Works for an update on the water issue. ► Mr. Brutus Cantoreggi, Director of Public Works, addressed the Town Council. He spoke about water use and the water conservation plan. He sent out a call to all residents. Last week the water use was very unusual. In February the average daily use was 2.2 million gallons per day. Last week town was at 3.5 million gallons per day and on Sunday town used 4.2 million gallons; this is a day that people should not be watering their lawns. There is a one day per week watering plan which is on resident's trash day. Currently, looking at upgrading Wells #3 and #6 because they have iron and manganese issues; they cannot be run to full capacity. So, DPW will be out patrolling to look for people violating water conservation plan. Warnings will be issued and then fines for up to \$200 per incident. People need to follow conservation plan. There is much information on the town website. People can hand water and wash cars. Night time automatic irrigation systems are not allowed and put demand on the system. Ms. Pfeffer stated she has had many calls about water. She expressed concern about the number of new apartments coming in town and if the town had enough water. She noted that before the first day of summer the town was at 4.2 million gallons of water per day, and asked if they were sure there was not a leak somewhere. ▶ Mr. Cantoreggi stated there is enough water, but they are concerned about the system keeping up with demand. It is the outdoor watering; the apartments will not really affect the delivery. There are no leaks. He noted the regulations are only for the Town of Franklin water system use; a person with a private well can water as much as they want. If people follow the plan, everything will be fine. ►Mr. Nutting stated the Fourth of July celebration schedule has changed; it will not start until Thursday. ▶ Paving Downtown is supposed to take place next Tuesday and Wednesday evenings, weather permitting; traffic is supposed to change around mid-July. ▶ The Rockland Trust YMCA Waterpark dedication was held; the bank donated the money to build the water park. ▶ He wished everyone a great Fourth of July.

**FUTURE AGENDA ITEMS**: ► In response to a question, Mr. Nutting stated the Charter review is scheduled for the July 13 meeting.

**COUNCIL COMMENTS:** ►Ms. Pellegri asked about the siding on the museum and for an update on the train accident. ►Mr. Nutting stated they will finish what they started on the museum, but will not do the other side or the front this year. He had no update on the train accident. ►Mr. Padula wished his son

Daniel a Happy Birthday. ►Mr. Vallee stated the building being constructed on the corner of Emmons Street and West Central Street is not what he envisioned. It is overbearing and he wished he had gotten more involved. ►Mr. Jones asked about the corner, the statue and the easement on that property. ►Mr. Nutting stated the town is doing the statue; all the rest is being done by the developer. ►Ms. Pellegri stated the statue is currently being sculpted. ►Mr. Dellorco asked when the statue would be done. ►Mr. Bissanti noted he attended Flag Day at the Town Common with the Elks. He congratulated Frank Liotta for being named Elk of the Year for Massachusetts. ►Ms. Pfeffer suggested getting badges for each of the three elected town constables. ►Mr. Cerel stated most of what a constable does is private business between private parties and enforcement. They are not acting as agents of the Town of Franklin when they are serving process unless it is actually town business. ►Mr. Nutting stated they should buy their own badges. ►Mr. Nutting thanked the DPW mechanics as they came up with the design and have been making the brackets for the flags. ►Chairman Kelly gave condolences to the family of Cory Webb.

#### **EXECUTIVE SESSION: None.**

ADJOURN: MOTION to Adjourn by Mercer. SECOND by Dellorco. VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 8:47 PM.

Respectfully submitted,

Judith Lizardi Recording Secretary

# HEARINGS - 7:10 PM

- 1. Zoning Bylaw Amendment: 16-762: Amendment to Chapter 185, Section 31 Site Plan and Design Review
- 2. Zoning Bylaw Amendment 16-764: Amendment to Chapter 185, Section 31, Site Plan and Design Review

#### **SPONSOR:**

Department of Planning and Community Development

#### TOWN OF FRANKLIN

# ZONING BY-LAW AMENDMENT 16-762 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

1.C.3.(m). Location and relevant details of proposed and existing water, drainage and sewerage systems in enough detail to determine if the applicant may be, upon request of the Planning Board, required to provide a stormwater report to ensure compliance with all Federal and State

Requirements, including the Massachusetts sStormwater mManagement sStandards, low-impact development practices Town of Franklin's Subdivision of Land Stormwater Management

Regulations, § 300-11 as applicable, Chapter 153, Stormwater Management of Franklin's Town Code, and use of the Town of Franklin Best Development Practices ManualGuidebook.

Code, and use of the Town of Franklin Best Development Practices ManualGuidebook.

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: \_\_\_\_\_\_, 2016

VOTED: \_\_\_\_\_\_\_

UNANIMOUS \_\_\_\_\_

A True Record Attest: YES \_\_\_\_\_\_ NO \_\_\_\_\_

ABSTAIN \_\_\_\_\_\_

Teresa M. Burr

Town Clerk ABSENT \_\_\_\_\_\_

Judith Pond Pfeffer, Clerk

Franklin Town Council

#### FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

355 EAST CENTRAL STREET, ROOM 120 FRANKLIN, MA 02038-1352 TELEPHONE: 508-520-4907

Fax: 508-520-4906

#### **MEMORANDUM**

To:

JEFFREY D. NUTTING, TOWN ADMINISTRATOR

FROM:

BRYAN W. TABERNER, AICP, DIRECTOR

RE:

**ZONING BYLAW AMENDMENT 16-762** 

Cc:

FRANKLIN PLANNING BOARD

JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR

MICHAEL MAGLIO, TOWN ENGINEER KRISTIN KACZMAREK, TOWN PLANNER

DATE:

**JUNE 1, 2016** 

Franklin's Town Engineer and Department of Planning and Community Development (DPCD) staff are recommending minor changes to Town Code related to stormwater management. The proposed changes are needed in order to update references to current Federal, State and local stormwater requirements called out in various sections of Town Code. Attached is a memo regarding the issue from Town Engineer Michael Maglio.

Zoning Bylaw Amendment 16-762 would change wording in Chapter 185-31 Site Plan and Design Review 1.C.3 (m). Attached for Town Council review and consideration is the draft zoning bylaw amendment.

DPCD requests Town Council refer Zoning Bylaw Amendment 16-762 to Franklin Planning Board for a public hearing.

#### FRANKLIN DEPARTMENT OF PUBLIC WORKS

**ENGINEERING DIVISION** 

257 Fisher Street Franklin, MA 02038

DATE: 5/31/2016





Tel: 508 - 553 - 5500

TO:

Jeff Nutting, Town Administrator

FROM:

Michael Maglio, P.E., Town Engineer

SUBJECT:

**Proposed Bylaw Edits for Stormwater References** 

CC:

Bryan Taberner, Planning Director

Jeff, attached are proposed bylaw revisions for Chapter 153 – Stormwater Management and Chapter 185 – Zoning.

The proposed changes are limited to one paragraph in each bylaw and consist of updating references to current federal, state, and local stormwater requirements called out in each of the bylaws.

From a practical standpoint, these changes are simple housekeeping items that do not affect current practices.

#### **SPONSOR:**

Department of Planning and Community Development

# TOWN OF FRANKLIN ZONING BY-LAW AMENDMENT 16-764

# 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 <u>adding</u> the following text:

§185-31 Site Plan and Design Review

- 1. Site Plan Review
  - D. Limited Site Plan Approval
    - (1) Filing Criteria. Any exterior addition, alteration or improvement to structures and/or land that meets all of the following criteria:
      - (a) Has previous site plan approval from the Planning Board, or was constructed prior to 1930, date of original Zoning Bylaw approval;

For any exterior addition, alteration or improvement to structures and/or land that would normally qualify as a Limited Site Plan Modification under 185-31.D, but does not because the existing property has never had a previously approved site plan, may be approved by the Planning Board without a full site plan, if the following criteria are met:

- i. A complete topographic survey for the entire site is prepared showing all existing structures, utilities, drainage, and grading.
- ii. The portion of the site to be altered or improved fully complies with all other requirements of 185-31.C Site Plan Approval.
- iii. Specific problem areas identified outside the portion of the site to be altered or improved must be addressed to the maximum extent practicable.

DATED: , 2016	VOTED:
	UNANIMOUSLY:
A TRUE RECORD ATTEST:	YES: NO:
Teresa M. Burr Town Clerk	ABSTAIN:ABSENT:
I OWI CICIA	Judith Pond Pfeffer, Clerk Franklin Town Council

This bylaw amendment shall become effective in accordance with the provisions of the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

#### FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

355 EAST CENTRAL STREET, ROOM 120 FRANKLIN, MA 02038-1352 TELEPHONE: 508-520-4907

Fax: 508-520-4906

#### **MEMORANDUM**

To: JEFFREY D. NUTTING, TOWN ADMINISTRATOR

FROM: BRYAN W. TABERNER, AICP, DIRECTOR

RE: ZONING BYLAW AMENDMENT 16-764

Cc: Franklin Planning Board

JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR

MICHAEL MAGLIO, TOWN ENGINEER

LLOYD "GUS" BROWN, BUILDING COMMISSIONER - ZONING OFFICER

KRISTIN KACZMAREK, TOWN PLANNER

DATE: JUNE 2, 2016

Franklin Town staff, including the Town Engineer, Building Commissioner, and Department of Planning and Community Development (DPCD) staff are recommending changes to the Town's Zoning Bylaw related to Limited Site Plan filing criteria.

Currently any commercial or industrial project that consists of exterior additions, alterations or improvements to structures or land of more than 600 square feet requires site plan approval from the Planning Board. Dependent upon the project's scope, applications are submitted to the Planning Board for either a limited site plan or a full site plan.

Projects that consist of less than 5,000 square feet of additions, alterations or improvements to structures or land <u>may</u> qualify for a Limited Site Plan approval <u>if</u> certain criteria are met. Filing criteria for limited site plans are listed in §185-31.1.D(1) of Franklin's Zoning Bylaw.

One criteria, which is the reason for the proposed zoning bylaw amendment, is that the property has had previous site plan approval from the Planning Board. This requirement occasionally negatively impacts the business community, in that the cost of full site plans are substantially more than limited site plans. If forced to submit an application for full site plan approval, business owners may choose to not go ahead with small scale improvements to their property. The proposed zoning bylaw amendment is needed to address this issue. Attached for Town Council review and consideration is Zoning Bylaw Amendment 16-764.

Approval of Zoning Bylaw Amendment 16-764 would allow projects that do not have previous site plan approval to still qualify for a Limited Site Plan approval <u>if</u> certain requirements are met.

The purpose for this change is to allow businesses to improve portions of their property rather than requiring them to improve the entire property all at once, which may be prohibitive resulting in no improvements at all. Town staff believe the business community will benefit from the proposed changes, and the Town as whole will benefit in the sense that some improvements are better than none.

Town staff have discussed these issues with the Planning Board to make sure proposed changes to Limited Site Plan filing criteria have been thoroughly considered before recommending changes to Town Council. The Planning Board will further discuss the proposed Zoning Bylaw amendment at their June 6th meeting. DPCD staff do not expect requested changes to the attached draft zoning bylaw amendment; however, if any suggested changes occur, DPCD will provide Town Council members with a proper red lined version before the June 8th meeting.

Town staff requests Town Council refer Zoning Bylaw Amendment 16-764 to the Planning Board for a public hearing.



#### LICENSE TRANSACTIONS:

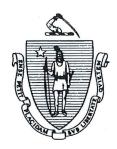
Request for a New All Alcoholic Beverages Restaurant License for Teddy Gallagher's Pub LLC, located at 30 Main Street, Franklin

Teddy Gallagher's Pub, LLC is seeking an all alcoholic beverages license for a new restaurant at 30 Main Street. Space is a single floor, 2500 square foot restaurant with seating for 85 in an open layout with bar with 20 stools and 10 seating booths.

Fire Department and Board of Health will sign off once construction is complete, all other Departments have signed off.

**MOTION** to approve the application by Teddy Gallagher's Pub, LLC for a new All Alcoholic Beverages Restaurant license at 30 Main Street, Franklin and the appointing of the manager to be Christopher Gallagher and the License to be held by the Administrator's Office pending all sign offs.

DATED:, 2016	
	<b>VOTED:</b>
	UNANIMOUS
A True Record Attest:	YES NO
	ABSTAIN
Teresa M. Burr	
Town Clerk	ABSENT
	I 1:41. D J. Df. ff Cll.
	Judith Pond Pfeffer, Clerk
	Franklin Town Council



#### The Commonwealth of Massachusetts Alcoholic Beverages Control Commission 239 Causeway Street Boston, MA 02114

☐ For Reconsideration

www.mass.gov/abcc

## FORM 43 MUST BE SIGNED BY LOCAL LICENSING AUTHORITY

								_			_
	,			Frank	din			7/	13/2016		
ABCC License Nur	mber			City/To	wn			. L	ocal Approv	al Date	
TRANSACTION TYPE	(Please check all rele	evant transactions	s):								
X New License		New Officer/Dir	ector		☐ Ple	dge of Lic	ense	☐ C	hange Corpo	orate Name	ĺ
Transfer of Lice	nse	Change of Loca	tion		Ple	dge of Sto	ock	□ See     □ See	easonal to A	nnual	
Change of Man	ager	Alteration of Lic	ensed	Premises	Trai	nsfer of St	tock	☐ C	hange of Lic	ense Type	
Cordials/Lique	ırs Permit	] Issuance of Stoo	ck		☐ Nev	w Stockho	older		ther		
6-Day to 7-Day	License	] Management/C	perati	ng Agreement	Wir	ne & Malt	to All Alcoh	ol			8
Name of Licensee	Teddy Gallagher's	Pub			EIN of Licens	see 81-16	556947			N N	
D/B/A					Manager C	hristophe	er Gallaghei	•			-
ADDRESS: 30 Main	n Street			CITY/TOWN	l: Franklin		STATE	MA	ZIP COE	DE 02038	
Annual	All	Alcohol		Resta	urant		Granted und	er Special	Legislation? \	Yes No	> <u></u>
Annual or Seas		GOTY: (All Alcohol; Wine Cordials; Wine; Malt)	& Malt; W	- 1	C: (Restaurant, Club, P e, General On Premises		If Yes,				
Complete Descripti	on of Licensed Premis	ses:			5	g (8)			Chapter	Year	
Single floor 2500 so  Application Filed:	quare foot restaurant.	Open layout with		6/30/2016	) seating booths	s.	Abutte	ers Notifie	ed: Yes	s 🔀 No [	
Application riled.	Date & Time	Adverti	Jeu.		ttach Publication						
Licensee Contact Pe	erson for Transaction	Dorothy Gallagh	ner			Phone:	508-528-	3069			
ADDRESS: 11 Woo	odhaven Drive			CITY/TOWN:	Franklin		STATE	MA	ZIP CODE	02038	
Remarks:									·		
The Local Licensi	ng Authorities By:				1		Alcoholic	Beverages Ralph Sac Executive		ssion	
T 1.	1 D. 1 D.						,		ÿ.		
Judit Clerk	h Pond Pfei	ier,									
	in Town Co	<del>oun</del> cil			ABCC Rema	arks:					

# PRESENTATIONS AND DISCUSSIONS • Preventative Maintenance Program - Facilities

• Town of Franklin Charter

#### OFFICE OF THE TOWN ADMINISTRATOR



#### **MEMORANDUM**

**DATE:** 

July 6, 2016

TO:

Town Council

FROM:

Jeffrey D. Nutting, Town Administrator

RE:

Preventive maintenance Software

Please find attached a proposal for PM software. The plan is to hire the company to implement the plan at the Davis Thayer and the JFK schools. If all goes well, I will request funds in the Capital plan for the remaining buildings.

Marco will be at the meeting to answer any questions.

cc:

Mike D'Angelo

Marco Brancato



#### Town of Franklin/Schools

355 East Central Street Franklin, MA 02038

6/28/2016

#### Dear Marco:

SchoolDude's services are designed to help you maximize the value of your SchoolDude investment. SchoolDude is committed to helping you save money, increase your efficiency, and improve the services you deliver to your customers. This service will be tailored for the unique needs of your campus:

Total Square Footage of Facilities: 1,243,024 Square Feet

Summary Line Items	Term	Investment
Equipment Inventory Data Collection  - Asset Inventory Collection  - Import into SchoolDude (Data also provided in Excel)  - Performed by SchoolDude's Certified Partner: EMG Corp.	One Time	\$37,210.48
PM Schedule Creation - Performed by SchoolDude's Certified Partner: EMG Corp.	One Time	\$12,510.48
- Performed by Schoolbade's Certified Farther Emo Co-F	Total Investment:	\$49,720.96

# SchoolDude/EMG Scope of Work (SOW) for:

**Equipment Inventory Data Collection Only (for Maintenance Essentials)** 

The following is meant to establish detail of deliverable that SchoolDude will provide on "Equipment Inventory (Data Collection Only)" assignments. These onsite activities are done in conjunction with SchoolDude's partner EMG.

These projects will include the following:

- Obtain major component level detail for populating Maintenance Essentials starting with spreadsheet of account parameters and existing equipment downloaded from client's account.
- Deliverable is data populated to client's account.
- Excel Spreadsheet of equipment data will be provided

## Equipment Inventory - (Data Collection Only)

#### A. Inventory Data Collection

Information will be collected on the major pieces of facility equipment. Specifically, the data collection will focus on the following components:

- MEP (level of detail to that for which Preventive Maintenance would be performed)
  - o Heating System
    - Identify boilers, furnaces, and major labeled equipment.
  - Ventilation System
    - Identify the ventilation systems at the property.
  - Air Conditioning System
    - Identify the material air-conditioning components, including cooling towers, chillers, compressors, and major labeled equipment.
    - Excluded are window units, terminal units, VAV boxes, thermostatic controls.
- Electrical
  - Major panels only-for identification to track maintenance.
- Equipment
  - Building Automation System, Trash Compactors, Laundry (washers, dryers, roll ironer)
- Plumbing
  - o Pumps and motors external to HVAC systems
  - o Domestic Hot Water heaters over 80 gallons
  - o Other major labeled equipment.
- Commercial Kitchen-major equipment (above approximately \$2000 value)
  - o Walk-in freezer and refrigerator equipment
  - Ovens, stoves, broilers, grills
  - Reach-in refrigerators and freezers
  - o Dishwashers
  - o Fryers
- Life Safety/Security
  - o High Level (system level) only-for identification to track maintenance
    - Alarm Panels
    - **Emergency generators**
    - Exhaust hood fire suppression
    - Fire extinguishers ARE NOT collected on an individual basis.
- Vertical Transport
- Pump and Motor information (may need to limit this by size)
- Compressor info included in HVAC

A complete equipment inventory for each system will be recorded with information populated to Maintenance Essentials including:

- Building name (Location)
- **Building address**
- Date Built (when available)
- Square footage of building (approximate)
- Equipment item number (will be created if not existing)
- System name (PM Classification Description)
- Subsystem name (PM Type Description)
- Verbal description of equipment (Description)

- Manufacturer Name
- Serial Number
- Model Number
- Notes (This is a free field for any misc. info client wants recorded)

#### **PM Schedule Creation**

PMDirect Implementation: Delivered through SchoolDude's Certified Partner: EMG Corp Confirm the asset inventory collected:

The asset inventory collected will be reviewed with your staff and then imported into SchoolDude

#### **PM Schedule Creation**

- EMG Corp will review PM Task desires with client.
- PM Schedules will be generated off the asset inventory collected by EMG Corp.
- Client will provide technicians or contractors that PM Schedules should be linked to and confirm the frequency and start date for PM Schedules
- EMG will provide a list of PM Schedules to be generated to confirm the load balancing for client staffing

#### PM Schedule Creation

- EMG Corp will enter the agreed upon PM Schedules into SchoolDude
- \*Maximum PM Schedules Created = 40 per building

#### **PM Training**

SchoolDude will provided any extra online training needed for campus staff to run reports and to update PM Schedules based on future updates to the schedules being created.

#### Terms for Service:

- Payment: Terms are net 30 days.
- Proposal valid for 60 days.
- Services will be scheduled upon written acceptance of the terms and conditions of this proposal.
- Typical service dates are scheduled 8 to 10 weeks in advance.
- Service dates are scheduled Monday-Friday
- A service day is defined as up to 8 hours per day.
- Escort to be provided during onsite visit, particularly for access to locked and hidden areas.

- If a service day is rescheduled or cancelled by client, then client is responsible for any cancellation fees incurred by rescheduling or cancelling travel and living fees.
- Applicable sales taxes are in addition to the quoted price. If your organization is tax exempt, please fax a copy of your Tax Exemption Certificate to 866-299-7821 or email it to accounting@schooldude.com

Thanks again for taking this important step towards greater success with your SchoolDude solutions. Please feel free to contact me with any questions at (877) 868-3833

Sincerely, Eric Erdman Sr. Account Manager 877-865-6735

The undersigned accepts the above detail and agrees to the terms herein.

ACCEPTED BY:		
Customer Signature	 Date	
Print Name	 Position	

Please address the purchase order to:

SchoolDude.com

11000 Regency Parkway, Suite 110

Cary, NC 27518

\*\*\* Please mail the original and fax or email a copy of the signed proposal and purchase order to 866-299-7821 or sales@schooldude.com.

### SCHOOLDUDE PREVENTATIVE MAINTENANCE BREAK DOWN OF COST PER BUILDING

BUILDING NAME	GROSS SQ. FT.	DATA GATHERING / PM SERVICES
1. Facilities 269 Fisher St.	3811	\$152.44
2. Keller / Sullivan School	179,984	\$7,199.36
3. Davis Thayer School	42,018	\$1,680.72
4. Dog Pound Building	2268	\$90.72
5. DPW Administration	7164	\$286.56
6. DPW Garage	50,685	\$2,027.40
7. Horace Mann / Oak/ ECDC	197,537	\$7,901.48
8. Fire Station #2	12,765	\$510.60
9. Fire Station Headquarters	22,000	\$880
10. High School	320,079	\$12,803.16
11. Library	33,000	\$1,320
12. Municipal Building	30,000	\$1,200
13. Senior Center	26,500	\$1,060
14. Historic Museum	10,688	\$427.52
15. Kennedy School	64,409	\$2,576.36
16. Parmenter School	58,519	\$2,340.76
17. Police Station	13,911	\$556.44
18. Recreation Center	8,000	\$320
19. Remington / Jefferson	159,686	\$6,387.44
TOTALS	1,243,024	\$49,720.96

#### OFFICE OF THE TOWN ADMINISTRATOR



#### **MEMORANDUM**

DATE:

June 30, 2016

TO:

Town Council

FROM:

Jeffrey D. Nutting, Town Administrator

RE:

Charter Review

#### Franklins Charter

The basic premise of the Franklin Charter adopted in 1978 is that The Town Council sets the policies, adopts resolutions, budgets, and bylaws, and provides leadership and direction while leaving the day to day responsibilities to a professional staff which limits the "politics" inherent in any government. I believe our "Council/Administrator" form of government is the best form of government in the Commonwealth.

#### History

- 1. A Charter Commission was established by vote of the citizens in April 1977. It recommended a change in Franklin's form of Government from a Town to a City and that was approved by the voters in April 1978.
- 2. A second Charter Commission made recommendations to change the charter and that was approved on **January 1995.**
- 3. The Charter Study Committee appointed by the Town Council made recommendations to change the charter which were approved by the Legislature and Governor and approved by the voters in **November 2010.**
- 4. The last Charter change was in November 2013 when the voters approved appointing the Treasurer Collector.

#### Three ways to amend a Charter

#### **Charter Commission**

If the Council wishes to have a Charter Commission, they would need to collect signatures from 15% of the registered voters of the Town at the last State Election (2014). According to the Town Clerk, there were 20,691 registered voters and 15% of that is 3,104. It is generally advised when collecting signatures to get more than the minimum required in case of mistakes, double signatures, not registered, etc. Once the signatures are collected and verified, the question can be placed on the November 2017 ballot for the voters' consideration. At the same tim, citizens can run to be elected to the Charter Commission. The nine candidates with the most votes are elected to the Charter Commission. The Commission would then undertake a review and any proposed changes would go to the voters for a yea or nay vote. This process was used in 1977 and in 1995. This approach to the charter review process has "buy-in" from the voters since they determine if a charter commission should be established.

#### A Charter Study Committee, Legislative approval and vote by the citizens

A second way to amend the charter would be to form a "citizens committee" similar to the one appointed in 2007 to review the charter. They can make recommendations to the Town Council. The Town Council can choose to accept, reject or amend the recommendations. The Council would then need to vote to petition the legislature (General Court) for a Home Rule petition. If that passed and was signed by the Governor, it would then need to go to the voters at the next Local/State election for a yea or nay vote. This was the process used to amend the charter in 2010 to make several language changes to the charter.

#### Town Council resolution and vote by the Citizens

A third way to amend the charter relates to minor changes that do not affect the form of government, including the role/authority of the Council or Town Administrator. This can be accomplished by a vote of the Town Council and a ballot question at a local election. This process was used in 2013 to change the Treasurer Collector from elected to appointed.

Given that the voters approved two charter changes in that last 6 years, I am not sure what part of the charter folks may want to consider for change. Depending on what councilors believe needs to be changed, you can discuss what the best option to address the issue(s) is.

Attorney Mark Cerel and I are happy to answer any questions that you may have about the process.

LEGISLATION
FOR
ACTION

#### OFFICE OF THE TOWN ADMINISTRATOR



#### **MEMORANDUM**

DATE:

June 28, 2016

TO:

Town Council

FROM:

Jeffrey D. Nutting, Town Administrator

RE:

Request for Land Transfer to the Affordable Housing Trust Committee

As you may be aware, about fifteen years ago the school Committee turned over twenty two acres of land behind the High School to the Town Council to build Affordable housing. The Town donated five of twenty two acres to a developer for the construction of 50 units of elderly housing. After several applications the project was funded and Eaton Place was built.

The Franklin Housing Trust would like to request the Town Council transfer the remaining seventeen acres of land to the Trust so that we may develop more affordable housing. The attached initial proposal shows a potential 50 unit elderly housing development similar to Eaton Place.

We would like begin another round of applications to build the senior housing on the site. We anticipate it could take five to seven years, however there are no guarantees on the timeline.

If the land was transferred we would first issue an RFP to contract with a Developer, we would then develop the plan and file for a 40b application for the site. We may be able to also site some other affordable houses on the land, but that will not be known until a master plan is completed.

Once all those steps are complete we would then file for grants to fund the 50 unit development. The Trust would need to contribute approximately \$500,000 to the project from the Trust account. These funds are from Developers and not tax dollars.

While there is a great deal of ledge and wetlands on the site we feel it is an excellent location for affordable housing. The Trust voted to request the transfer of the land and we ask for your support.

I am happy to answer any questions that you may have.



A motion by Ms. Nulton to amend the education specifications, seconded by Ms. Mullen. All were in favor, the motion passed 7-0.

Mrs. McNeice proposed a friendly amendment that the multi-purpose room on the education specifications be eliminated and the space be used for a need that the administration and Horace Mann School Project Committee feels desirable.

All were in favor the motion passed 7-0.

#### SPECIAL EDUCATION DOCUMENT SIGN OFF

Mrs. Maureen Sabolinski, Director of Pupil Personnel Services gave a brief outline of the Program Plan for Special Education. This document includes a Statement of Assurances which assures that all school districts comply with federal and state special education laws.

REQUEST TO DECLARE LAND BEHIND THE HIGH SCHOOL AS SURPLUS LAND. Discussion took place regarding 20 acres of school owned property located adjacent to Franklin High School.

A motion was made and withdrawn by Mrs. McNeice to declare 20 acres of land surplus.

Further discussion took place. The School committee asked the Town Council for a letter of assurance that the Town would assist the School Department in acquiring land for the Early Childhood Development Center. The Town Council produced such a letter with a timeline of June 1, 2001 to acquire land for the Early Childhood Development Center. Another concern for the School Committee was access to the proposed senior housing behind Franklin High School. The Town has assured the School Committee that any access to the new building would not be near the high school. The Town Council has invited Mr. Michael D'Angelo to be involved with the writing of the RFP to insure all the School Department's concerns are addressed.

A motion was made by Mrs. Nulton to waive policy to take action to declare 20 acres of land adjacent to Franklin High School as surplus land, seconded by Mrs. Malacaria. The motion passed 6-1 (with Mr. Helgaard voting nay).



A motion was made by Mrs. Nulton to declare 22 acres of land adjacent to Franklin High School as surplus land to develop senior housing, seconded by Mrs. McNeice. The motion passed 6-1 (with Mr. Helgaard voting nay).

FIVE MINUTE RECESS

#### **ACTION ITEMS**

Upon recommendation by Dr. Warren a motion was made by Mrs. McNeice to accept a gift in the amount of \$500.00 from the Ginley's to the Horace Mann Middle School, seconded by Mrs. Scofield. All were in favor the motion passed 7-0.

Upon recommendation by Dr. Warren a motion was made by Mrs. McNeice to accept a gift in the amount of \$1,000 from EMC to the Remington Middle School; seconded by Mrs. Nulton. All were in favor, the motion passed 7-0.

#### Unofficial Property Record Card - Franklin, MA

#### **General Property Data**

Parcel ID 259-007-002-000

Prior Parcel ID -092-003-

Property Owner FRANKLIN TOWN OF

Mailing Address 355 EAST CENTRAL STREET

Zip 02038

City FRANKLIN

Mailing State MA

ParcelZoning

Account Number 092-003

Property Location VETERANS MEMORIAL DR

Property Use VAC - EDUCTN

Most Recent Sale Date 10/13/1970

Legal Reference 4693-493

Grantor FRANKLIN, TOWN OF

# of Other Fixtures 0

Sale Price 1

Land Area 16.899 acres

		<b>Current Property A</b>	ssessment	
Card 1 Value	Building 0 Value	Xtra Features 0 Value	Land Value 97,700	Total Value 97,700
	The second secon	Building Desc	ription	
Buildin	g Style N/A	Foundation Type N/A		Flooring Type N/A
# of Living	units N/A	Frame Type N/A		Basement Floor N/A
•	er Built N/A	Roof Structure N/A		Heating Type N/A
Building	Grade N/A	Roof Cover N/A		Heating Fuel N/A
Building Cor	ndition N/A	Siding N/A		Air Conditioning 0%
Finished Are	ea (SF) N/A	Interior Walls N/A	. # 0	of Bsmt Garages 0
Number F	Rooms 0	# of Bedrooms 0		# of Full Baths 0

#### **Legal Description**

# of 1/2 Baths 0

DEV-BLDR LOT 1 PLAN 3775 FRANKLIN, TOWN OF

# of 3/4 Baths 0

#### Narrative Description of Property

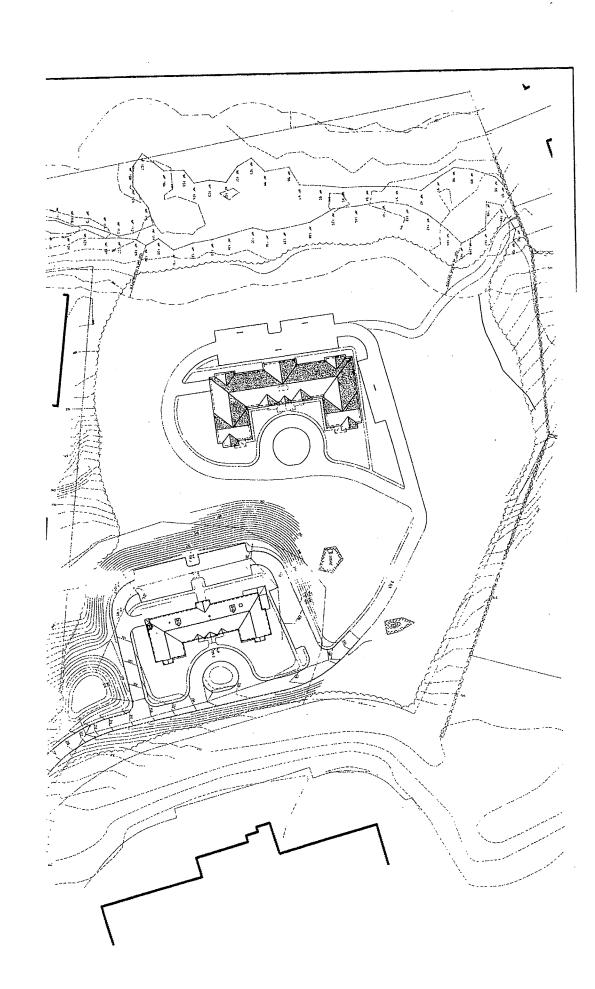
This property contains 16.899 acres of land mainly classified as VAC - EDUCTN with a(n) N/A style building, built about N/A , having N/A exterior and N/A roof cover, with N/A unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

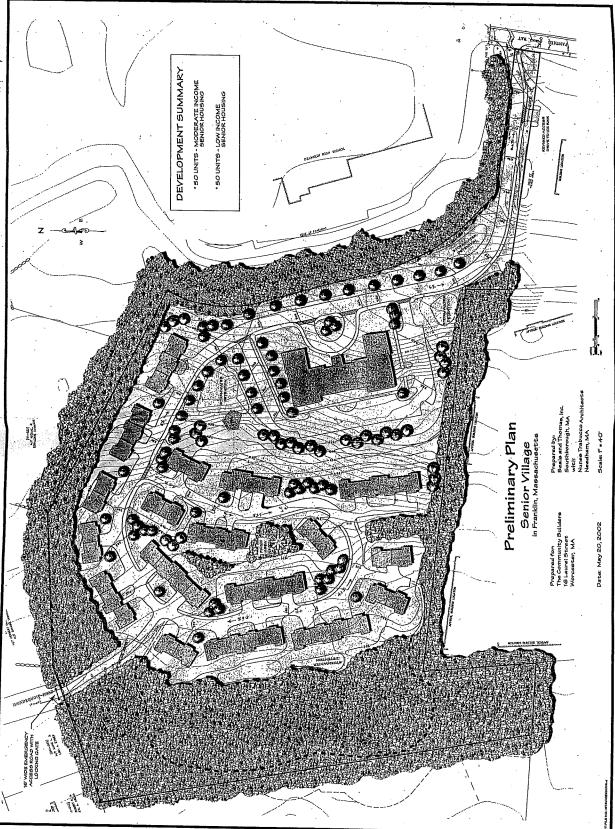
No Sketch

Available

Available

Disclaimer: This information is believed to be correct but is subject to change and is not warranteed.





Sponsor: Administration



#### **TOWN OF FRANKLIN**

#### **RESOLUTION 16-48**

# DECLARATION OF TOWN-OWNED LAND (UNIMPROVED LOT OFF PANTHER WAY) AS SURPLUS AND AVAILABLE FOR DISPOSITION AND AUTHORIZATION TO CONVEY SAME FOR NOMINAL CONSIDERATION TO THE FRANKLIN MUNICIPAL AFFORDABLE HOUSING TRUST FUND

WHEREAS, Town owns land consisting of an unimproved lot off Panther Way shown as Lot 1 on a plan of land captioned "Plan of Land in Franklin, Norfolk County, Massachusetts prepared by Guerriere & Halnon, Inc., 38 Pond Street, Suite 206, Franklin, Massachusetts 02038 dated August 4, 2008 and filed in Norfolk County Registry of Deeds as Plan 24 of 2008 in Plan Book 585, and

WHEREAS, Town is not presently making use of said land for municipal purposes, and

WHEREAS, Town, acting by and through its Town Council, adopted Resolution 05-28 and Bylaw Amendment 05-567 to create The Franklin Municipal Affordable Housing Trust Fund, a municipal entity whose purpose includes the development of affordable residential housing within the Town of Franklin,

# NOW THEREFORE, BE IT ORDERED THAT THE TOWN OF FRANKLIN ACTING BY AND THROUGH ITS TOWN COUNCIL:

- Declares Lot 1 shown on the plan of land described above and filed in Norfolk County Registry of Deeds as Plan 24 of 2008 in Book 585 to be no longer needed for municipal purposes and therefore to be surplus and available for disposition.
- Authorizes the conveyance of said Lot 1 to The Franklin Municipal Affordable Housing Trust Fund for nominal consideration for the development of affordable residential housing, said deed to contain language that should the Trust fail to construct affordable residential housing on said land within ten (10) years, then ownership and/or control of said land shall revert to the Town of Franklin, for general municipal purposes.
- Authorizes the Town Administrator to execute a deed and such other documents and to take such other action as is legally necessary to effect said conveyance.

This Resolution shathe Town of Franklin Home		according to	the rules and regulations of
DATED:,	2016		
	VOTE	D: UNANIMOU	s
A True Record Attest:		YES	NO
Teresa M. Burr		ABSTAIN _	
Town Clerk		ABSENT _	

Judith Pond Pfeffer, Clerk Franklin Town Council

#### OFFICE OF THE TOWN ADMINISTRATOR



#### **MEMORANDUM**

DATE:

June 23, 2016

TO:

Town Council

FROM:

Jeffrey D. Nutting, Town Administrator

RE:

Acceptance of land on Prospect Street

The owner of a parcel of land on Prospect Street would like to donate the land to the town. It is currently assessed at about \$18,000 and is not buildable.

I recommend acceptance of the lot. If the town does not accept the lot and the owner stops paying taxes we will end up taking the land in foreclosure, which will cost time and money with the same result.

I am happy to answer any questions that you may have.





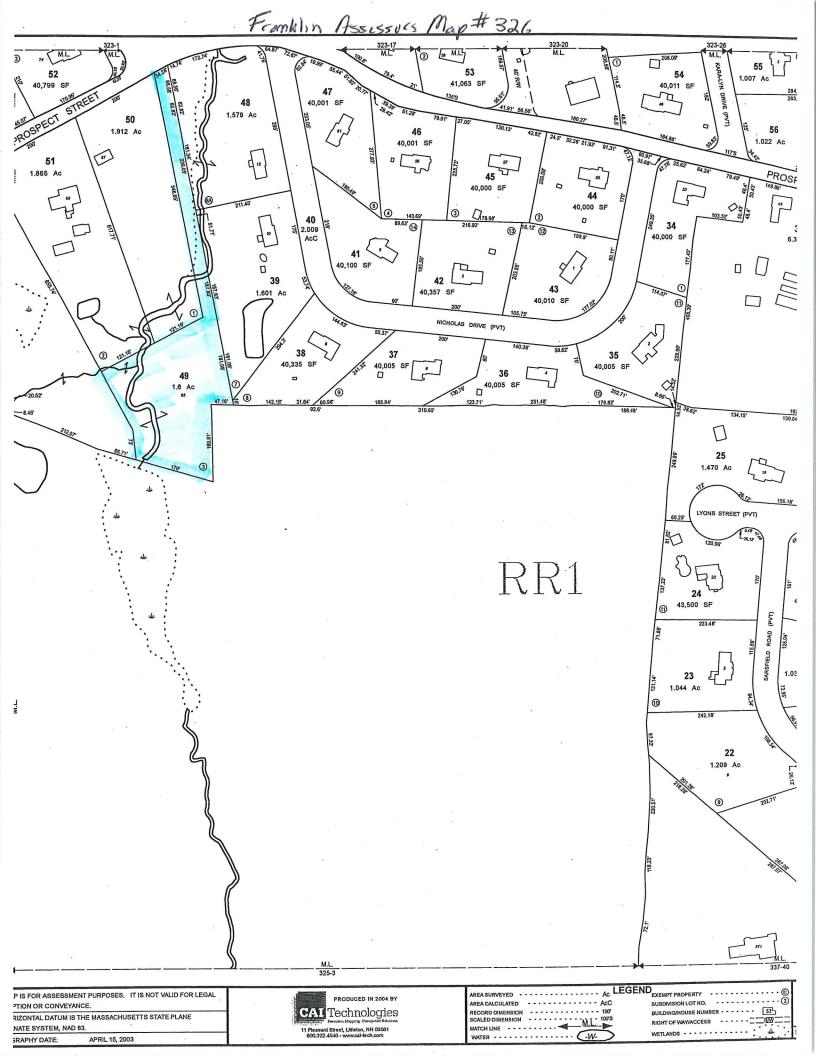
# TOWN OF FRANKLIN RESOLUTION: 16-49 ACCEPTANCE OF GIFT OF UNIMPROVED LAND AT 65 PROSPECT STREET, FRANKLIN

WHEREAS, Lawrence P. Benedetto is the owner of a parcel of unimproved land located at 65 Prospect Street in Franklin, MA described in a deed dated February 23, 2001 and recorded at Norfolk Registry of Deeds in Book 14790 at Page 149 and shown on Franklin Assessors' Map 326 as Parcel No. 49, containing according to said deed and map a total of 1.6 acres, more or less, and has executed a deed conveying said parcel to the Town of Franklin for nominal consideration to be used for municipal purposes, including access to abutting Town-owned land and public recreation, a true copy of said deed being attached hereto as "Exhibit 1".

**NOW, THEREFORE, BE IT ORDERED** that the Town of Franklin, acting by and through its Town Council, accepts the conveyance to the Town of the above-described unimproved parcel of land described in the deed attached hereto as Exhibit 1 to be used for municipal purposes, including access to abutting Town-owned land and public recreation and it is further ordered that a true copy of this resolution be recorded with the original deed at Norfolk County Registry of Deeds.

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

DATED:	, 2016	
	·,	VOTED:
		UNANIMOUS
A True Record Attest:		YES NO
		ABSTAIN
Teresa M. Burr Town Clerk		ABSENT
		Judith Pond Pfeffer, Clerk
		Franklin Town Council



# TITLE NOT EXAMINED

# QUITCLAIM DEED

I, LAWRENCE P. BENEDETTO, individually, of 211 Chestnut Street, Franklin, Norfolk County, Massachusetts 02038

for consideration paid, and in full consideration of less than One Hundred and XX/100 (<\$100.00) Dollars

Grant to **TOWN OF FRANKLIN**, a Municipal Corporation in Norfolk County with its administrative offices located in the Franklin Municipal Building at 355 East Central Street, Franklin, Norfolk County, Massachusetts 02038, for municipal purposes including access to abutting Town-owned land and public recreation

with quitclaim covenants

All of my right, title and interest in and to the land in Franklin, Norfolk County, Massachusetts and being situated on the southerly side of Prospect Street in said Franklin and being shown as Lot 3 on a plan of land entitled, "Plan of Land in Franklin, Mass. Scale 1"=40' June 6, 1986 William J. Rossetti P.L.S. Franklin, Mass.," which plan is recorded with Norfolk Deeds as Plan No. 1658 of 1986, in Plan Book 45, reference to which may be had for a more particular description.

Said Lot 3 contains 1.6 Acres ± according to said plan.

For title see Deed of Robert R. Benedetto and Lawrence P. Benedetto, dated February 23, 2001 and recorded with Norfolk County Registry of Deeds on March 2, 2001 in Book 14790, Page 149.

Witness my hand and seal this day, July 8, 2016.

LAWRENCE P. BENEDETTO

# The Commonwealth of Massachusetts

Norfolk, ss.

On this day, July 8, 2016, before me, the undersigned notary public, personally appeared LAWRENCE P. BENEDETTO, proved to me through satisfactory evidence of identification, being (check whichever applies): \_\_\_\_\_ Driver's License or other state or federal governmental document bearing a photographic image, \_\_\_\_ Oath or Affirmation of a credible witness known to me who knows the above signatory, or \_\_\_\_ My Own personal knowledge of the identity of the signatory, to be the person(s) whose name(s) is/are signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

Notary Public

My commission expires: 2.6-20

Sponsor: Administration



# **TOWN OF FRANKLIN**

# **RESOLUTION 16-50**

# **Acceptance of Gift – Town of Franklin**

WHEREAS,

The Franklin Fire Department has received a generous donation of one hundred and fifty dollars (\$150.00) from the Moms Club of Franklin.

**NOW THEREFORE, BE IT RESOLVED THAT:** The Town Council of the Town of Franklin on behalf of the Fire Department gratefully accepts this gift and thanks the Moms Club of Franklin for their support of the Franklin Fire Department and their programs.

This resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED:	, 2016	VOTED:
		UNANIMOUSLY:
A TRUE REG	CORD ATTEST:	YES: NO:
Teresa M. Bu Town Clerk	rr	ABSTAIN:ABSENT:
		Judith Pond Pfeffer, Clerk Franklin Town Council

Dear Franklin Fire Dept.,

Please accept this obnation on behalf of the Homs Club of Franklin.

We'd like to thank you for your community.

Warm Regards, Abby Quinn Treasurer

**SPONSOR:** Town Administration

# TOWN OF FRANKLIN ZONING BY-LAW AMENDMENT 16-753

# ZONING MAP CHANGES FROM SINGLE FAMILY RESIDENTIAL IV TO GENERAL RESIDENTIAL V IN AN AREA ON OR NEAR WEST CENTRAL STREET

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

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT**: The Code of the Town of Franklin is hereby amended by making the following amendments to §185-5, Zoning Map:

That the Zoning Map of the Town of Franklin be amended by changing from Single Family Residential IV to General Residential V an area containing **0.286**± acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

# Parcel Number

278-033-000 278-034-000

And the Zoning Map of the Town of Franklin be amended by changing from Single Family Residential IV and Industrial, to General Residential V an area containing 3.144± acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

# Parcel Number

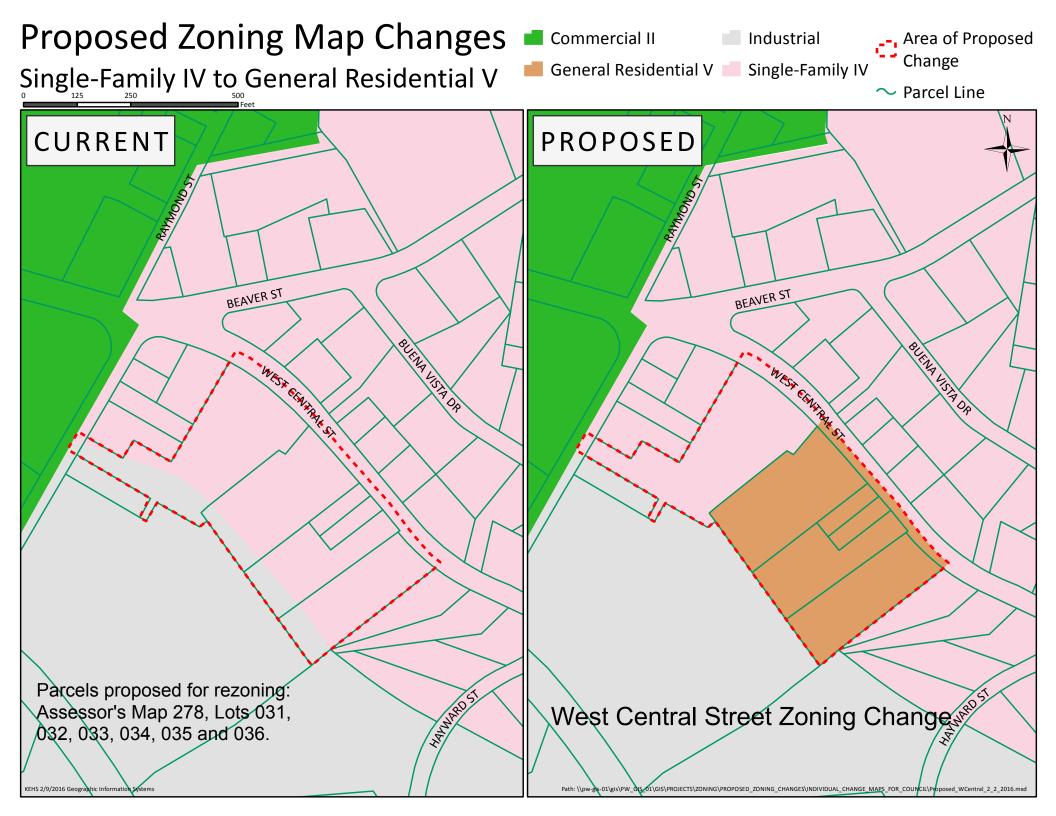
278-031-000 278-032-000 278-035-000

And the Zoning Map of the Town of Franklin be amended by changing from Single Family Residential IV and Industrial to Single Family Residential IV parcel number 278-036-000 containing  $1.818 \pm acres$ , as shown on the Town of Franklin's Assessor's Maps.

The area to be rezoned is shown on the attached map ("West Central Street Zoning Change").

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:, 2016	
<del></del> ,	VOTED: UNANIMOUS
A True Record Attest:	YES NO
т м. р	ABSTAIN
Teresa M. Burr Town Clerk	ABSENT
	Judith Pond Pfeffer, Clerk
	Franklin Town Council



# Town of Franklin



TOWN OF FRANKLIN TOWN CLERK 2016 APR -6 AM 8: 38 RECEIVED

# Planning Board

#### PUBLIC HEARING NOTICE

The following notice will be published in the Milford Daily Newspaper on April 11, 2016 and again on April 18, 2016.

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 April 25, 2016 at 7:20 PM and the Town Council will hold a Public Hearing on April 27, 2016, at 7:10 PM in the Town Council Chambers of the Municipal Building, 355 East Central Street, to consider amending Chapter 185, Sections 5 of the Code of the Town of Franklin, Zoning By-Law as follows:

# ZONING BY-LAW AMENDMENT PROPOSED BY THE FRANKLIN TOWN ADMINISTRATION TO THE FRANKLIN TOWN CODE CHAPTER 185, SECTIONS 5.

By-Law Amendment 16-753: Changes from Single Family Residential IV to General Residential V District in an Area on or Near West Central St:

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

The Zoning Map of the Town of Franklin be amended by changing from Single Family Residential IV to General Residential V an area containing  $0.286 \pm acres$ , comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

## Parcel Number

278-033-000

278-034-000

And the Zoning Map of the Town of Franklin be amended by changing from Single Family Residential IV and Industrial to General Residential V an area containing  $3.144 \pm$  acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

#### Parcel Number

278-031-000

278-032-000

278-035-000

And the Zoning Map of the Town of Franklin be amended by changing from Single Family Residential IV and Industrial to Single Family Residential IV parcel number 278-036-000 containing  $1.818 \pm acres$ , as shown on the Town of Franklin's Assessor's Maps.

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.

The exact map of said amendment 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 P.M).

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 Matt Kelly, Chairman Franklin Town Council

Fax: (508) 520-4906



Planning Board

355 East Central Street Franklin, Massachusetts 02038-1352

April 26, 2016

Teresa Burr, Town Clerk Town of Franklin 355 East Central Street Franklin, MA 02038

# CERTIFICATE OF VOTE

Zoning By-law Amendment #16-753 Chapter 185-5. Zoning Map

Petitioner: Town Administration

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, April 25, 2016 the Planning Board, upon motion duly made and seconded, voted (4-0-1) to not recommend, as presented, the Zoning Bylaw Amendment #16-753, changes to Chapter 185-5, Zoning Map.

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

Sincerely,

Anthony Padula

Chairman

cc: Town Council

Town Administrator

## **SPONSOR:**

Department of Planning and Community Development

#### TOWN OF FRANKLIN

# ZONING BY-LAW AMENDMENT 16-762 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

1.C.3.(m). Location and relevant details of proposed and existing water, drainage and sewerage systems in enough detail to determine if the applicant may be, upon request of the Planning Board, required to provide a stormwater report to ensure compliance with all Federal and State

Requirements, including the Massachusetts sStormwater mManagement sStandards, low-impact development practices Town of Franklin's Subdivision of Land Stormwater Management

Regulations, § 300-11 as applicable, Chapter 153, Stormwater Management of Franklin's Town Code, and use of the Town of Franklin Best Development Practices ManualGuidebook.

Code, and use of the Town of Franklin Best Development Practices ManualGuidebook.

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: \_\_\_\_\_\_, 2016

VOTED: \_\_\_\_\_\_\_

UNANIMOUS \_\_\_\_\_

A True Record Attest: YES \_\_\_\_\_\_ NO \_\_\_\_\_

ABSTAIN \_\_\_\_\_\_

Teresa M. Burr

Town Clerk ABSENT \_\_\_\_\_\_

Judith Pond Pfeffer, Clerk

Franklin Town Council

# FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

355 EAST CENTRAL STREET, ROOM 120 FRANKLIN, MA 02038-1352 TELEPHONE: 508-520-4907

Fax: 508-520-4906

# **MEMORANDUM**

To:

JEFFREY D. NUTTING, TOWN ADMINISTRATOR

FROM:

BRYAN W. TABERNER, AICP, DIRECTOR

RE:

**ZONING BYLAW AMENDMENT 16-762** 

Cc:

FRANKLIN PLANNING BOARD

JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR

MICHAEL MAGLIO, TOWN ENGINEER KRISTIN KACZMAREK, TOWN PLANNER

DATE:

**JUNE 1, 2016** 

Franklin's Town Engineer and Department of Planning and Community Development (DPCD) staff are recommending minor changes to Town Code related to stormwater management. The proposed changes are needed in order to update references to current Federal, State and local stormwater requirements called out in various sections of Town Code. Attached is a memo regarding the issue from Town Engineer Michael Maglio.

Zoning Bylaw Amendment 16-762 would change wording in Chapter 185-31 Site Plan and Design Review 1.C.3 (m). Attached for Town Council review and consideration is the draft zoning bylaw amendment.

DPCD requests Town Council refer Zoning Bylaw Amendment 16-762 to Franklin Planning Board for a public hearing.

# FRANKLIN DEPARTMENT OF PUBLIC WORKS

**ENGINEERING DIVISION** 

257 Fisher Street Franklin, MA 02038

DATE: 5/31/2016





Tel: 508 - 553 - 5500

TO:

Jeff Nutting, Town Administrator

FROM:

Michael Maglio, P.E., Town Engineer

SUBJECT:

**Proposed Bylaw Edits for Stormwater References** 

CC:

Bryan Taberner, Planning Director

Jeff, attached are proposed bylaw revisions for Chapter 153 – Stormwater Management and Chapter 185 – Zoning.

The proposed changes are limited to one paragraph in each bylaw and consist of updating references to current federal, state, and local stormwater requirements called out in each of the bylaws.

From a practical standpoint, these changes are simple housekeeping items that do not affect current practices.

## **SPONSOR:**

Department of Planning and Community Development

# TOWN OF FRANKLIN BY-LAW AMENDMENT 16-763 STORMWATER MANAGEMENT TO AMEND THE FRANKLIN TOWN CODE AT CHAPTER 153, SECTION 16.

# BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 153 of the Code of the Town of Franklin is hereby amended by deleting and adding the following text at §153-16 Stormwater Management. Standards.

#### 153-16 Standards

Control of stormwater runoff shall meet <u>all Federal and State requirements including</u> the Massachusetts Stormwater Management <u>Policy Standards</u>, the requirements of the Town of Franklin's Subdivision of Land Stormwater Management Regulations, § 300-11, and performance standards for both flood control and nonpoint source pollution reduction as defined in, dated March 1997, as amended, and the Town of Franklin's Best Development Practices Guidebook, dated November 2001, as amended. All assumptions, methodologies and procedures used to design stormwater treatment practices and stormwater management practices shall accompany the design. All activities, project design, stormwater treatment practices and stormwater management practices should aim to minimize stormwater runoff, maximize infiltration and recharge where appropriate, and minimize pollutants in stormwater runoff, and should follow the Town of Franklin's Best Development Practices Guidebook.

The foregoing By-law amendment shall take effect in accordance with the Franklin Home Rule Charter.

DATED: \_\_\_\_\_\_\_, 2016

VOTED: \_\_\_\_\_\_\_

UNANIMOUS \_\_\_\_\_

A True Record Attest: YES \_\_\_\_\_\_ NO \_\_\_\_\_

ABSTAIN \_\_\_\_\_\_

Teresa M. Burr

Town Clerk ABSENT \_\_\_\_\_\_

Judith Pond Pfeffer, Clerk

Judith Pond Pfeffer, Clerk Franklin Town Council

# FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

355 EAST CENTRAL STREET, ROOM 120 FRANKLIN, MA 02038-1352 TELEPHONE: 508-520-4907

FAX: 508-520-4906

# **MEMORANDUM**

To:

JEFFREY D. NUTTING, TOWN ADMINISTRATOR

FROM:

BRYAN W. TABERNER, AICP, DIRECTOR

RE:

**BYLAW AMENDMENT 16-763** 

Cc:

FRANKLIN PLANNING BOARD

JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR

MICHAEL MAGLIO, TOWN ENGINEER KRISTIN KACZMAREK, TOWN PLANNER

DATE:

**JUNE 1, 2016** 

Franklin's Town Engineer and Department of Planning and Community Development (DPCD) staff are recommending minor changes to Town Code related to stormwater management. The proposed changes are needed in order to update references to current Federal, State and local stormwater requirements called out in various sections of Town Code.

Bylaw Amendment 16-763 would change wording in Chapter 153-16 Stormwater Management. Standards. Attached for Town Council review and consideration is the draft bylaw amendment.

DPCD requests Town Council schedule a public hearing to further consider and seek public input on Bylaw Amendment 16-763.

## **SPONSOR:**

Department of Planning and Community Development

# TOWN OF FRANKLIN ZONING BY-LAW AMENDMENT 16-764

# 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 <u>adding</u> the following text:

§185-31 Site Plan and Design Review

- 1. Site Plan Review
  - D. Limited Site Plan Approval
    - (1) Filing Criteria. Any exterior addition, alteration or improvement to structures and/or land that meets all of the following criteria:
      - (a) Has previous site plan approval from the Planning Board, or was constructed prior to 1930, date of original Zoning Bylaw approval;

For any exterior addition, alteration or improvement to structures and/or land that would normally qualify as a Limited Site Plan Modification under 185-31.D, but does not because the existing property has never had a previously approved site plan, may be approved by the Planning Board without a full site plan, if the following criteria are met:

- i. A complete topographic survey for the entire site is prepared showing all existing structures, utilities, drainage, and grading.
- ii. The portion of the site to be altered or improved fully complies with all other requirements of 185-31.C Site Plan Approval.
- iii. Specific problem areas identified outside the portion of the site to be altered or improved must be addressed to the maximum extent practicable.

DATED: , 2016	VOTED:
	UNANIMOUSLY:
A TRUE RECORD ATTEST:	YES: NO:
Teresa M. Burr Town Clerk	ABSTAIN:ABSENT:
I OWI CICIA	Judith Pond Pfeffer, Clerk Franklin Town Council

This bylaw amendment shall become effective in accordance with the provisions of the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

# FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

355 EAST CENTRAL STREET, ROOM 120 FRANKLIN, MA 02038-1352 TELEPHONE: 508-520-4907

Fax: 508-520-4906

# **MEMORANDUM**

To: JEFFREY D. NUTTING, TOWN ADMINISTRATOR

FROM: BRYAN W. TABERNER, AICP, DIRECTOR

RE: ZONING BYLAW AMENDMENT 16-764

Cc: Franklin Planning Board

JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR

MICHAEL MAGLIO, TOWN ENGINEER

LLOYD "GUS" BROWN, BUILDING COMMISSIONER - ZONING OFFICER

KRISTIN KACZMAREK, TOWN PLANNER

DATE: JUNE 2, 2016

Franklin Town staff, including the Town Engineer, Building Commissioner, and Department of Planning and Community Development (DPCD) staff are recommending changes to the Town's Zoning Bylaw related to Limited Site Plan filing criteria.

Currently any commercial or industrial project that consists of exterior additions, alterations or improvements to structures or land of more than 600 square feet requires site plan approval from the Planning Board. Dependent upon the project's scope, applications are submitted to the Planning Board for either a limited site plan or a full site plan.

Projects that consist of less than 5,000 square feet of additions, alterations or improvements to structures or land <u>may</u> qualify for a Limited Site Plan approval <u>if</u> certain criteria are met. Filing criteria for limited site plans are listed in §185-31.1.D(1) of Franklin's Zoning Bylaw.

One criteria, which is the reason for the proposed zoning bylaw amendment, is that the property has had previous site plan approval from the Planning Board. This requirement occasionally negatively impacts the business community, in that the cost of full site plans are substantially more than limited site plans. If forced to submit an application for full site plan approval, business owners may choose to not go ahead with small scale improvements to their property. The proposed zoning bylaw amendment is needed to address this issue. Attached for Town Council review and consideration is Zoning Bylaw Amendment 16-764.

Approval of Zoning Bylaw Amendment 16-764 would allow projects that do not have previous site plan approval to still qualify for a Limited Site Plan approval <u>if</u> certain requirements are met.

The purpose for this change is to allow businesses to improve portions of their property rather than requiring them to improve the entire property all at once, which may be prohibitive resulting in no improvements at all. Town staff believe the business community will benefit from the proposed changes, and the Town as whole will benefit in the sense that some improvements are better than none.

Town staff have discussed these issues with the Planning Board to make sure proposed changes to Limited Site Plan filing criteria have been thoroughly considered before recommending changes to Town Council. The Planning Board will further discuss the proposed Zoning Bylaw amendment at their June 6th meeting. DPCD staff do not expect requested changes to the attached draft zoning bylaw amendment; however, if any suggested changes occur, DPCD will provide Town Council members with a proper red lined version before the June 8th meeting.

Town staff requests Town Council refer Zoning Bylaw Amendment 16-764 to the Planning Board for a public hearing.

Sponsor: Administration



# TOWN OF FRANKLIN BYLAW AMENDMENT 16-765 CHAPTER 170, VEHICLES AND TRAFFIC

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 170, VEHICLES AND TRAFFIC, ARTICLE III, TRAFFIC SIGNS, SIGNALS, MARKINGS AND ZONES, §170-10 AUTHORITY OF HIGHWAY FOREMAN AND §170-12 INTERFERENCE PROHIBITED, VIOLATIONS AND PENALTIES.

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL** that Chapter 170 of the Code of the Town of Franklin Vehicles and Traffic, Article III, Traffic Signs, Signals, Markings and Zones, §170-10 Authority of Highway Foreman and §170-12 Interference prohibited; violations and penalties are hereby amended as follows:

§170-10 Authority of <a href="DPW DirectorHighway Foreman">DPW DirectorHighway Foreman</a>.

- A. The <a href="DPW Director or his designee-Highway Foreman">DPW Director or his designee-Highway Foreman</a> is hereby authorized, and as to those signs and signals required hereunder it shall be his duty, to place and maintain or cause to be placed and maintained all official traffic signs, signals, marking and safety zones. All signs, signals and safety zones shall conform to the standards prescribed by the Department of Public Works of the Commonwealth of Massachusetts.
- B. Sections <u>170-6</u> and <u>170-7</u> of Article <u>II</u> and § <u>170-15</u> of Article <u>IV</u>, relating to parking, shall be effective as to any area in a street only during such times as official signs are erected and maintained in such area, located so as to be easily visible to approaching drivers and notifying them as to the governing provisions.

§170-12 Interference prohibited; violations and penalties.

No person shall willfully deface, injure, move, obstruct or interfere with any official traffic sign, signal or marking, and any person so doing shall be liable to a penalty of \$50not exceeding \$5020 for each and every offense.

This bylaw amendment shall become effective in accordance with the provisions of the Franklin Home Rule Charter.

DATED:,	2016
	VOTED: UNANIMOUS
A True Record Attest:	YES NO
Teresa M. Burr	ABSTAIN
Town Clerk	ABSENT
	Judith Pond Pfeffer, Clerk

Sponsor: Administration



# TOWN OF FRANKLIN BYLAW AMENDMENT 16-766 CHAPTER 170, VEHICLES AND TRAFFIC

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 170, VEHICLES AND TRAFFIC AT ARTICLE IV, STOPPING, STANDING AND PARKING, §170-15 PARKING PROHIBITIONS AND LIMITATIONS AND §170-17 "RESIDENT ONLY" PARKING.

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL** that Chapter 170 of the Code of the Town of Franklin Vehicles and Traffic, Article IV, Stopping, Standing and Parking, §170-15 Parking Prohibitions and Limitations and §170-17 "Resident Only" Parking are hereby amended as follows:

§170-15 Parking prohibitions and limitations.

No person shall stand or park any vehicle at any time:

- A. Upon streets or parts thereof where such a prohibition is posted.
- B. At bus stops, except buses, and no person shall park a bus within a business district at any place other than a bus stop when a nearby bus stop is available.
- C. At taxicab stands, except taxicabs, and no person shall park a taxicab upon any street within a business district at any place other than the taxicab stand or stands designated for the use of this taxicab or taxicabs, except while engaged or while waiting for an opportunity to use a taxicab stand designated for his use.
- D. Parking prohibited.

Downtown Parking District: Boundaries are those contained on map captioned "Downtown Parking District" prepared by Town of Franklin Engineering Department dated July 13, 2016 on file with the Town Clerk, a copy of which is appended hereto as "Attachment 1"; prohibitions and limitations on streets contained within the district are shown on said map.

[Added 1-5-1994 by Bylaw Amendment 93-250]

All other Town Streets

Name of Street	Side Location
Alpine Place	East From a point 25 feet north of East Central Street to East Central Street
Alpine Place	West From a point 25 feet north of East Central Street to East Central Street
Alpine Row	East From a point 40 feet north of East Central Street to East Central Street
Alpine Row	West From a point 20 feet north of East Central Street to East Central Street
Arlington Street [Added 11-12-1997 by Bylaw Amendment 97- 354]	Both From Union Street for a distance of 12 meters easterly
Beaver Street	East From a point 120 feet south of West Central Street to West Central Street
Beaver Street	East From a point 340 feet north of West Central Street to West Central Street
Beaver Street	West From a point 110 feet south of West Central Street to West Central Street
Beaver Street	West From a point 365 feet north of West Central Street to West Central Street
Beech Street [Added 12-15-1999 by Bylaw Amendment 99- 424]	Both From Pond Street for a distance of 220 feet west
Chestnut Street	North From a point 300 feet from East Central Street to East Central Street
Chestnut Street	South From a point 270 feet east from East Central Street to East Central Street
Cottage Street [Added 11-12-1997 by Bylaw Amendment 97- 354]	North From Union Street for a distance of 20 meters west of Union Street
Cottage Street [Added 11-12-1997 by Bylaw Amendment 97- 354]	South From Union Street for a distance of 33 meters west of Union Street

Cottage Street West From a point 70 feet south of East Central Street to East Central Street

Cottage Street West From a point 100 feet south of East Central Street to

East Central Street

Dean Avenue North From a point 85 feet east of Main Street to Main

Street

Dean Avenue South From a point 85 feet east of Main Street to Main

Street

Depot Street South From a point 55 feet east of Main Street to Main

Street

East Central Street Both From Alpine PlaceCross Street to Lewis Street

East Street Both From Union Street for a distance of 62 meters easterly

[Added 11-12-1997 by Bylaw Amendment 97-

<del>354]</del>

East Street West From a point 70 feet south of West Central Street to

**West Central Street** 

Emmons Street North From a point 40 feet east of Main Street to Main

Street

Emmons Street North From Main Street to Ray Street

[Added 2-18-2006 by Bylaw Amendment 05-

<del>583]</del>

<del>d 2-18-2006 by</del>

Emmons Street North From Main Street to West Central Street
Emmons Street South From Main Street to West Central Street

Fisher Street East From a point 35 feet south of West Central Street to

West Central Street

Geb Street Both From Union Street for a distance of 14 meters

[Added 11-12-1997 by westerly

Bylaw Amendment 97-3541

Hennessey Drive South From Hunters Run; all of Hennessey Drive

[Added 9-10-1996 by Bylaw Amendment 96-

3131

Jefferson Road [Added 9-10-1996 by Bylaw Amendment 96- 313]	North From Peters Lane 250 feet east and 250 feet west
Jefferson Road [Added 9-10-1996 by Bylaw Amendment 96- 313]	South From Peters Lane 225 feet east and 225 feet west
Kennedy School Drive [Added 12-15-1999 by Bylaw Amendment 99- 424]	Both From Pond Street for a distance of 90 feet east
King Street [Added 9-27-1995 by Bylaw Amendment 95- 301]	Both From a point 270 feet south of Union Street to a point 100 feet south of Lawrence Street
King Street [Added 7-19-2000 by Bylaw Amendment 00- 443]	Both From Wachusett Street to East Central Street
King Street	North From a point 200 feet west of East Central Street to East Central Street
King Street	South From a point 250 feet west of East Central Street to East Central Street
Main Street	South From a point 30 feet north of Depot Street to Depot Street West from Pleasant to Church Street. There is no parking on the west side of the street
Main Street  [Added 12-5-1996 by  Bylaw Amendment 96- 324]	South From Church Street 40 feet westEast from Pleasant to Highland Street. There is no parking on the east side of the street
Oak Street [Added 12-15-1999 by Bylaw Amendment 99- 424]	Both From Pond Street for a distance of 260 feet east

Oak Street Extension [Added 12-15-1999 by Bylaw Amendment 99- 424]	Both From Pond Street for a distance of 125 feet west
Old West Central Street [Added 12-15-1999 by Bylaw Amendment 99- 424]	North From a point 260 feet east of Rolling Ridge Road to Route 140
Old West Central Street [Added 12-15-1999 by Bylaw Amendment 99- 424]	North From a point 90 feet west of Rolling Ridge Road to Pond Street
Old West Central Street [Added 12-15-1999 by Bylaw Amendment 99- 424]	South From a point 110 feet east of Rolling Ridge Road to Route 140
Old West Central Street [Added 12-15-1999 by Bylaw Amendment 99- 424]	South From a point 110 feet west of Rolling Ridge Road to Pond Street
Panther Way	East From a point 120 feet north of West Central Street to West Central Street
Panther Way	West From a point 130 feet north of West Central Street to West Central Street
Partridge Street [Added 12-15-1999 by Bylaw Amendment 99- 424]	Both From Pond Street for a distance of 255 feet west
Pond Street [Added 12-15-1999 by Bylaw Amendment 99- 424]	Both From a point 425 feet north of Oak Street to a point 460 feet south of Oak Street
Pond Street [Added 12-15-1999 by Bylaw Amendment 99- 424]	Both From Old West Central Street for a distance of 245 feet northerly

	Pond Street [Added 12-15-1999 by Bylaw Amendment 99- 424]		From Partridge Street for a distance of 425 feet northerly
	Pond Street [Added 12-15-1999 by Bylaw Amendment 99- 424]	Both I	From Thomas Road to Eldon Drive
	Raymond Street		From a point 125 feet north of West Central Street to a point 25 feet north of West Central Street
	Skipper Circle [Added 9-10-1996 by Bylaw Amendment 96- 313]		From Simmons Circle east; all of Skipper Circle
	Summer Street [Added 7-19-2000 by Bylaw Amendment 00- 443]		110 meters west of King Street and 100 meters east of King Street
	Summer Street		From a point 100 feet south of East Central Street to East Central Street
	Summer Street		From a point 110 feet south of East Central Street to East Central Street
<u> </u> 	Tri-County Regional Vocational Drive [Added 12-15-1999 by Bylaw Amendment 99- 424]	Both -	
	Union Street [Added 11-12-1997 by Bylaw Amendment 97- 354]		From a point 132 meters north of High Street for a distance of 10 meters
	Union Street		From a point 110 feet south of West Central Street to West Central Street
İ	Union Street		From a point 125 feet north of West Central Street to West Central Street

[Adde	Street End 11-12-1997 by Amendment 97-	<del>East</del>	From a point 28 meters north of Cottage Street to East Street
[Adde	Street End 11-12-1997 by Amendment 97-	ast	From a point 110 meters south of East Central Street 1 (Route 140) to a point 62 meters north of East Central Street
[Adde	Street End 11-12-1997 by Amendment 97-	ast	From a point 60 meters south of Hutchinson Street for a distance of 16 meters southerly
[Adde	Street E ed 11-12-1997 by Amendment 97-	ast	From Arlington Street to a point 32 meters northerly
[Adde	Street End 11-12-1997 by Amendment 97-	<del>East</del>	From School Street to a point 15 meters north of High Street
[Adde	Street Solution Solution Science Scien	outh	From a point 310 feet east of King Street to a point 270 feet west of King Street
Union	-Street V	Vest	From a point 65 feet north of West Central Street to West Central Street
Union	Street	√est	From a point 120 feet south of West Central Street to West Central Street
[Adde	Street Wat 11-12-1997 by Amendment 97-	Vest	From a point 15 meters south of Washington Street to a point 30 meters north of High StreetCottage Street
[Adde	usett Street E d 9-27-1995 by Amendment 95-	Both	From a point west of King Street for a distance of 140 feet westerly

Washington Street [Added 11-12-1997 by Bylaw Amendment 97Both From Union Street for a distance of 22 meters westerly

3541

Washington Street [Added 2-23-1994 by Bylaw Amendment 94-253] South From a point 200 feet east of Stanford Street, Sta. 131+00, to a point 550 feet east of Stanford Street,

Sta. 135-00

West Central Street

Both From a point 335 feet west of Hayward Street to MainUnion Street

# E. Parking limitations.

[Added 2-18-2006 by Bylaw Amendment 05-583<sup>[11]</sup>]

Downtown Parking District: Boundaries are those contained on map captioned "Downtown Parking District" prepared by Town of Franklin Engineering Department dated July 13, 2016 on file with the Town Clerk, a copy of which is appended hereto as "Attachment 1"; prohibitions and limitations on streets contained within the district are shown on said map.

Name of

Street Limitation Side Location

High Street 2 hours, Monday through Friday, (8:00 Town Union Street to Main

a.m. to 4:00 p.m.) Common Street

[1]

Editor's Note: This bylaw amendment also redesignated former Subsection E as Subsection F.

# F. No parking: loading zones.

[Added 1-5-1994 by Bylaw Amendment 93-250]

Downtown Parking District: Boundaries are those contained on map captioned "Downtown Parking District" prepared by Town of Franklin Engineering Department dated July 13, 2016 on file with the Town Clerk, a copy of which is appended hereto as "Attachment 1"; prohibitions and limitations on streets contained within the district are shown on said map.

# **Name of Street**

**Depot Street** 

# **Side Location**

North From a point 25 feet east of Main Street to Main Street

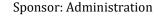
§170-17 "Resident only" parking.

Under MGL c. 90, § 20A 1/2, certain areas designated "Resident Only" parking or such similar signage shall be reserved for Franklin residents with stickers on their vehicles indicating the same, and a fine of at least \$5 shall be established forthwith.

This bylaw amendment shall become effective in accordance with the provisions of the Franklin Home Rule Charter.

DATED:, 2	2016
	VOTED: UNANIMOUS
A True Record Attest:	YES NO
Farage M. Durr	ABSTAIN
Геresa M. Burr Гown Clerk	ABSENT
	Judith Pond Pfeffer, Clerk Franklin Town Council

Attachment 1 Parking Zones On Public Ways\* **&** Handicapped Parking Merchant Permit 6am-2pm, M-F © Loading Zone Downtown Parking District <sup>2</sup> HR 6am-10am, M-F 2 HR 8am-2pm, M-F Building No Parking Parcel \*All parking zones are subject to local bylaw o f Town §170-14, including, but not limited to, no parking within 20 feet of any intersecting way or 10 feet of a fire hydrant. Franklin Prepared by the Town of Franklin Engineering Department - GIS In maintaining its GIS Data, the Town of Franklin has made every effort to ensure the accuracy, currency and reliability of the content the retord, however, error cain cours. It is expressly understood and the product and the product and the product and the content of the con T Puth: \\p\_siton \putw.cis.6\\cis.\psojects\town administrator\putws\pertural puthing. Downtown, Immedicty\Putking. Duty to the





# TOWN OF FRANKLIN BYLAW AMENDMENT 16-767 CHAPTER 170, VEHICLES AND TRAFFIC

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN CHAPTER 170, VEHICLES AND TRAFFIC AT ARTICLE V, PARKING METER ZONES, §170-19 ESTABLISHMENT AND §170-20 ADDITIONAL REGULATIONS; VIOLATIONS AND PENALTIES.

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL** that Chapter 170 of the Code of the Town of Franklin Vehicles and Traffic, Article V, Parking Permit Zones is hereby amended as follows:

Article V: Parking MeterPermit Zones

§170-19 Establishment

[Amended 8-7-1991 by Ord. No. 91-211]

A. In accordance with the foregoing, parking meter zones are hereby established in the following streets or parts of streets:

Name of Street Side Location

Dean Avenue South From Main Street to 29 Dean Avenue

Depot Street North For a distance of 220 feet northeasterly from Main Street

East Central Street North From Alpine Place to the railroad bridge

East Central Street South From 60 East Central Street to the railroad bridge

Emmons Street South From Main Street to Ray Street

Main Street East From Depot Street to School Street

Main Street West From West Central Street to Emmons Street

<u>AB</u>. <u>In accordance with the foregoing, pP</u>arking permit zones are hereby established in the following streets or parts of streets or municipal parking facilities:

[Amended 3-4-1992 by Bylaw Amendment 92-228; 5-7-2003 by Bylaw Amendment 03-515]

Name of Street	Side	Location
Depot Street	North	Up to 50 parking spaces in the Mmunicipal parking facility
Emmons Street [Added 6-6-2012 by Bylaw Amendment 12-683]	North	From Main Street to Ray Street
150 Emmons Street [Added 6-6-2012 by Bylaw Amendment 12-683]		Up to 30 spaces in the municipal parking facility
Peck Street Fletcher Field	Northwes	t <del>Up to 35 parking spaces in the municipal parking facility</del>
West Central Street No. 10 [Added 5-18-2005 by Bylaw Amendment 05-569]		Up to 25 parking spaces in the mMunicipal parking facility

# §170-20 Additional regulations; violations and penalties.

- A. The Town Administrator is hereby authorized or empowered to contract, in accordance with provisions of Chapter 40 of the General Laws, as amended by Chapter 442 of the Acts of 1947, for the acquisition and installation of parking meters provided for by this article and to maintain said meters in good workable condition.
- B. The Town Administrator is hereby authorized and directed to install parking meters within the areas described in the preceding section or cause the same to be installed. The meters shall be placed at intervals of not less than 20 feet apart where parallel parking is permitted, except that beginning—and—ending—spaces may be 18 feet and 12 feet apart where angular parking is permitted and not less than 12 inches nor more than 24 inches from the face of the curb—adjacent—to individual meter spaces. Meters shall be so constructed as to display a signal showing legal parking upon the deposit therein of the proper coin or coins of the United States as indicated by the Town Council. Said signal—shall—remain—in evidence until the expiration of the parking—period designated, at which time a dropping signal or some—other mechanical operation shall indicate expiration of the parking period.
- A.C. The Town Administrator is hereby authorized and directed to establish parking meter and parking permit spaces in such parking zones as are hereby specified or as may be hereinafter fixed by amendment and to indicate the same by the white markings upon the surface of the highway or the designated parking area. Parking permit spaces within established parking zones may be assigned or

reassigned by the Town Administrator from time to time to different uses as permitted by this § 170-20 and to different lengths of use.

[Amended 8-7-1991 by Bylaw Amendment 91-211; 3-4-1992 by Bylaw Amendment 92-228]

- \_D. Whenever any vehicle shall be parked adjacent to a parking meter, the owner or operator of said vehicle shall park within the space designated by street marking lines and, upon entering such space, shall immediately deposit in said meter the required coin of the United States for the maximum legal parking period as indicated or shown on the meter and, if so required, set the mechanism in motion.
- (1) The fee for the maximum parking time, 120 minutes, shall be \$0.50, or \$0.10 for 24 minutes or \$0.05 for every 12 minutes as shown on the meter.

# [Amended 5-7-2003 by Bylaw Amendment 03-515]

- (2) It shall be unlawful for any person to deposit or cause to be deposited in any parking meter any coin for the purpose of permitting the vehicle of which he is in charge to remain in a parking space beyond the maximum period of time allowed in a particular zone.
- (3) It shall be unlawful for any person to park a vehicle within a parking meter space unless such vehicle is wholly within the painted lines adjacent to such meter.
- (4) It shall be unlawful for any unauthorized person to tamper with, break, injure or destroy any parking meter or to deposit or cause to be deposited in such meter any slug, device or metallic substance or any other substitute for the coins required.
- E. Operators of commercial vehicles may park in a metered space without depositing a coin for a period not to exceed 30 minutes for purposes of loading and unloading. Parking in excess of this time limit without depositing the proper coin shall be deemed a violation of the provisions of this section.
- F. The Town Administrator, or his/her designee is hereby designated as the person authorized to collect moneys deposited in parking meters or to cause the same to be collected. Such moneys shall be deposited forthwith with the Town Treasurer in a separate account to be known as the Town "Parking Meter Account."

[Amended 5-7-2003 by Bylaw Amendment 03-515]

G. This account is to be used under Chapter 40 of the General Laws.

[Amended 5-7-2003 by Bylaw Amendment 03-515]

- H. It shall be the duty of the police officers to enforce the provisions of this section.
- I. Any person who violates any parking provision of this section shall be subject to the penalties provided by MGL c. 90, § 20A, and any other violation shall be punishable as may be provided by law.
- B.J. Downtown Employee Municipal Lot pParking pPermits.

[Added 8-7-1991 by Bylaw Amendment 91-211; amended 3-4-1992 by Bylaw Amendment 92-228; 5-7-2003 by Bylaw Amendment 03-515]

- (1) The Town Administrator, or his/her designee, is hereby designated as the person authorized to collect and to deposit or to cause the same to be collected into the Parking Permit Fund the sum of \$120 for a six-month permit issued to downtown employees.
- (2) Parking permits shall be issued only to persons employed within 1/2 mile of the downtown municipal

facility(ies).

- (3) Parking permits shall be issued by the Police Department.
- C.K. Commuter Rail Municipal Parking Facility pPermits. The Town Administrator, or his/her designee, is hereby authorized and directed to collect and deposit (or to cause to be deposited) into the Parking Permit Fund the sum \$120 for each quarterly permit issued to commercial rail users selected through a quarterly lottery (with Town residents given preference) administered by the Police Department. In the event during any one quarterly period, if not all permits are sold, permits may also be issued for less than the quarterly (three-month) period as determined by the Town Administrator or his/her designee. In no event shall permits be issued inconsistent with the established quarterly time schedule. In such cases the fee of \$120 shall be prorated accordingly.

[Added 3-4-1992 by Bylaw Amendment 92-228; amended 5-7-2003 by Bylaw Amendment 03-515]

D.L. Prohibited parking of certain commercial vehicles in residential districts.

[Added 6-2-1999 by Bylaw Amendment 99-409; amended 3-3-2004 by Bylaw Amendment 04-541]

(1) It shall be unlawful for any resident or any owner, agent, operator, or person in charge of any bus, semi-trailer, trailer, motor truck, tractor, and/or truck tractor or any vehicle having a commercial registration plate and a gross vehicle weight of more than 15,000 pounds to park, store, or keep such motor vehicle on any residential property, or on any public street, avenue, alley, or other thoroughfare, or any right-of-way in any residential zoning district for a period in excess of one hour unless

- engaged in legitimate loading or unloading activities or related to work actually being performed upon a resident's property.
- (2) It shall be unlawful for any resident in any residential zoning district to park on, cause to be parked on, or allow to be parked on his or her residential property more than one vehicle of 15,000 pounds or less gross vehicle weight which is used for commercial purposes unless garaged entirely within a building. For the purposes of this section "commercial purposes" shall mean having a commercial registration plate or commercial lettering or signage.
- (3) The Town Administrator or his designee may issue an exemption from the preceding sections to any resident upon the Administrator's determination that enforcement against the resident creates a hardship and that the requested parking will not cause excessive noise or otherwise create a nuisance; in issuing an exemption, the Administrator may impose such conditions as he believes are necessary to protect the public interest.
- (4) The Police Department and the Building Commissioner or designee shall each have authority to enforce the provisions of the section.
- (5) The penalty for violations of the provisions of this section shall be a fine of \$100 for each offense, each day to constitute a separate offense.

This bylaw amendment shall become effective in accordance with the provisions of the Franklin Home Rule Charter.

DATED:	2016
	VOTED: UNANIMOUS
A True Record Attest:	YES NO
Teresa M. Burr Town Clerk	ABSTAIN
	Judith Pond Pfeffer, Clerk Franklin Town Council