

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
January 21, 2015**

A meeting of the Town Council was held on Wednesday, January 21, 2015 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Brett Feldman, Matt Kelly, Tom Mercer, Peter Padula, Judith Pond Pfeffer, Robert Vallee, Steve Williams. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Maxine Kinhart, Assistant to the Town Administrator; Mark Cerel, Town Attorney; Judith Lizardi, Recording Secretary.

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

APPROVAL OF MINUTES: *September 17, 2014, June 18, 2014.* **MOTION** by Mercer to Approve. **SECOND** by Padula. **No Discussion.** **VOTE to Approve: Yes-9, No-0, Absent-0.**

ANNOUNCEMENTS: Chairman Vallee announced the meeting would be recorded by Franklin TV and available for viewing on Comcast Channel 11 and Verizon Channel 29. The meeting may also be available on Franklin Matters.

PROCLAMATIONS/RECOGNITIONS: None.

CITIZEN COMMENTS: None.

APPOINTMENTS: None.

HEARINGS: None.

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: None.

SUBCOMMITTEE REPORTS: None.

LEGISLATION FOR ACTION:

Resolution 15-02: Authorization to Join Bellingham for the FY 2015 CDBG Program

Application: Councilor Pfeffer read the resolution for the authorization to join Bellingham for the FY 2015 CDBG Program Application. **MOTION to Move** by Mercer. **SECOND** by Kelly.

Discussion: ► Mr. Nutting stated this is to help rehab existing homes with no interest loans.

VOTE to Approve: Yes-9, No-0, Absent-0.

Councilor Kelly recused himself.

Resolution 15-03: Declaration of Town-Owned Land at 150 Emmons Street (Old Municipal Bldg. Property) as Surplus and Available for Disposition: Councilor Pfeffer read the resolution for the declaration of Town-owned land at 150 Emmons Street (Old Municipal Bldg. property) as surplus and available for disposition. **MOTION to Move** by Mercer. **SECOND** by Williams. **Discussion:** ► Mr. Nutting stated that in order to sell land it must be declared surplus and the property is no longer needed. 2/3 vote required. **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Feldman,-YES; Mercer-YES; Padula-YES; Pfeffer-YES; Vallee-YES; Williams-YES. **YES - 8, NO - 0, Recused - 1. Passes.**

Resolution 15-04: Authorization for Disposition (Sale) of Town Owned Land at 150 Emmons Street (Old Municipal Bldg. Property): Councilor Pfeffer read the resolution for the authorization for disposition (sale) of Town-owned land at 150 Emmons Street (Old Municipal Bldg. property). **MOTION to Move** by Mercer. **SECOND** by Williams. **Discussion:** ► Mr. Nutting recommended approval. **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Feldman,-YES; Mercer-YES; Padula-YES; Pfeffer-YES; Vallee-YES; Williams-YES. **YES - 8, NO - 0, Recused - 1. Passes.**

Councilor Kelly re-entered the meeting.

Resolution 15-05: Appropriation: Town Administration: Legal Expenses: Councilor Pfeffer read the resolution for appropriation Town administration legal expenses. **MOTION to Move** by Mercer. **SECOND** by Kelly. **Discussion:** ► Mr. Nutting stated it has been a long collective bargaining/arbitration process with the Firefighters Union. The Town is short of funds for legal expenses. Originally put in approximately \$48,000, then added another \$35,000, and this is another \$50,000. This money can be used for any legal expense. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 15-745: Amendment to Chapter 185, Attachment 7, Part VI, Use Regulation Schedule, Residential Uses, Office Zoning District – 2nd Reading: Councilor Pfeffer read the Zoning Bylaw Amendment 15-745. **MOTION to Move** Zoning Bylaw Amendment 15-745 by Mercer. **SECOND:** Bissanti. **Discussion:** ► Mr. Nutting explained the current allowable uses for this property such as office, bank, hotel, motel, manufacturing process, printing, biotech, and more. This proposal changes the current zoning to offer one more use which is multi-family residential. The Town then would have a discussion about an RFP and could add this one more use to the current allowable uses. ► Mr. Kelly questioned if this is the only way to put condos on this property. ► Bryan Taberner, Community Development and Planning, Director, responded that other than going through affordable housing with a 40B, there is no other way. ► Mr. Dellorco stated that the RFP does not have to include residential. ► Mr. Nutting stated that the Economic Development Committee (EDC) will have a public meeting about what should be included in the RFP. It may be one use or many uses. This will then come to the full Town Council for consideration. The Town owns the land and the RFP is under the control of the Town Council. There is no guarantee that what is put in the RFP anyone will respond. This zoning change is just part of the process. ► Mr. Padula stated the expectation is that with the residential component the Town will get more interest. There will be an EDC meeting next week to get input into what restrictions will be placed in the RFP.

Community members addressed Town Council. ► John Edson, 242 Pond Street: it is already a busy street and having more residential will not make the situation better. What are the restrictions on what can be put there? There is a difference between condos and multi-level apartment buildings. The current wooded area is preferable as it does not increase traffic. ► Paul Sager, 225 Pond Street: lots of traffic and many concerns. Would like nothing built there. Looked at the traffic report for Starbucks and stated that more than 500 additional vehicles per day with approximately 30% taking left-hand turn. Traffic is already backed up from the Starbucks and it is only going to get worse by adding more developments. Taking away forest is not good as it is protecting residents from the noise. Cited article in *Franklin Matters* that the Town requires access to the Federal land. If there are residential units put on this Pond Street

property, access would be lost as resident would not be able to cross through another resident's backyard. Franklin should keep some undeveloped land. Having 20 homes on one acre is too much. ► Sandra Verhaegen, 24 Hilltop Road: thanked Town Council members that have spent time answering concerns during the last few weeks. Voting to rezone the area leaves the residents unprotected. Is there a way to restrict the number of residential dwellings per square foot? This may limit some of the developers interested in the land. Would like to protect the current residents and constituents, not the developers. They are not against developing the land, but if this zoning change happens tonight would like to hear some verbal guarantees that there will be community participation in writing the RFP. The Town should build something that is truly needed, not just to gain revenue, and that will not depreciate land values for neighboring community. Is there truly a need to build offices? There are many offices already around Town with lease signs. ► Leandra Botta-Whiting, 145 Pond Street: has noticed the increase in traffic on Pond Street, specifically at 2:15pm when Tri-County lets out. Construction trucks have been on Hilltop Road. Loves her house and neighborhood and hopes she will be able to maintain equity in her home. Would like to recommend a solar energy development as that would have far less impact on the environment and be a great source of revenue for the Town. Wants EPA to be called in for a complete and thorough investigation. Concerned that Council members in real estate business present a conflict of interest; therefore, should recuse themselves from this issue. Why does the town want so badly to add a residential component? The people do not want rezoning. Why is the Town rushing to do this? Take a step back and postpone this vote. Do not want to get to the RFP process. Want to trust that Council will do what is in residents' best interest. ► Gayle Ward, 20 Hilltop Road: asked all Council Members to remember what it was like to buy first home and have children play in yard. Residents want this for their children and grandchildren and do not want neighborhood to change. ► Ms. Haagensen, 270 Pond Street: Concerned about the increase in density happening to the Town. Apathy seems to be apparent as no one is concerned if it is not happening on their side of town. She has difficult time getting out of her driveway. The Pond Street neighborhood has been impacted with the Starbucks. She has seen drunk driving issues as there are lots of bar in the Stop and Shop mall. Council should make changes with respect to the community. Residents appreciate open space. ► Gail Irwin, 56 Hilltop Road: understands this is a proposal to change zoning. Concerned that Town Council keeps deferring to future meetings, such as EDC meeting. Please represent the constituents and do due diligence and fact finding. Allowing this to continue to move forward Council has failed responsibilities to the residents. Asking Town Council to do more work on this such as EPA and traffic studies. Does not want a number thrown out to reduce the density, but rather something well thought out. ► Leita McKenna, 225 Crossfield Road: Concerned about sewer beds, traffic and busy streets. There needs to be a parking lot Downtown, as cannot expect people to come to the Town and not have a parking lot. Praised the new schools. If there are more children coming into the Town, there will need to be more fields. ► Stephanie Pazniokas, 4 Hilltop Road: understands the motivation for the zoning change is for Town to get revenue. Constituency is here at this meeting. The area has been defined as protected land; therefore, it should not be cut down for development. It is calculated at only 9.7 acres of developable land. She reviewed the density issue and stated that this area is at a Downtown level density and should be less dense. Why has EPA not tested land? Not ethical to change zoning without EPA investigation as there is no idea what is actually on that land. Traffic is also an issue. Pulling out of Rolling Ridge Road is difficult. It is a very congested intersection. Would like to include specific density to the zoning for a stricter residential requirement. Cambridge has a maximum of 17 dwellings per

acre. She has spoken to numerous residents who feel the same way and hopes Council will look at alternatives. Town should protect the undeveloped property they own as the Town has no control over the development of privately owned property. ► Steven Quinlan, 204 Pond Street: asked how much larger is Franklin going to be in the future? This type of growth has not happened in Norfolk and Wrentham. ► Raymond Nasuti, 89 Pond Street: adding residential component will be putting burden on other departments of the Town, such as Fire, Police, Water and DPW. All the revenue from selling land will be lost to providing services. Has lived here for forty years. Many trees removed when daycare center was built. If all remaining trees are removed, residents will hear all traffic noise from the highway. So much traffic on Pond Street already. Do not put anything in this area; leave it the way it is. ► Peg Forbes, 13 Oxford Drive: what happens when a Town has vacant buildings and they do not get rented? The traffic on Pond Street is horrible and concerned what Starbucks and developments will add to it.

Council responses to community members' questions/concerns. ► Mr. Nutting: EPA paid for the environmental studies. Every RFP will have Mine Brook access. Town did look into solar energy in that area. Condos produce about one-third the traffic as hotel or office space, which is far less intrusive than other uses allowed by right. Town Council represents 34,000 citizens. The need for revenue to provide services must be balanced between neighborhoods and entire Town. There is no easy way to pay for costs with green space. After the RFP is crafted it then goes back to the Town Council for vote. Public input at EDC meeting is welcomed. It is possible that 1 acre could have 20 dwelling units, similar to other multifamily zones in other areas of Franklin. Projections reveal that Town will continue to grow as there is much private land. A 280 unit apartment complex is being approved and many condos are being proposed and developed. Town has approximately 8-10% commercial space vacancy rate at any one time. Logically, a developer would not invest \$10 million in a building if they did not think they could rent the space. The brook on the property negates any development close to it. There are two sewer lines close to Walker Street. There are 14 to 15 acres that are not developable because of the wetlands. There has been no discussion on the buffer yet. ► Mr. Padula expressed concern about what is going to be there in the future. ► Mr. Bissanti stated he loves this Town. For instance, he did not want 80 garbage trucks dropping their garbage in Town and voted against it. ► Mr. Dellorco stated he will not support this project. ► Mr. Feldman stated that the Town does a great deal to preserve land space. The Town built three parks last year. There is no intention of building up the entire Town. This is a special case. ► Mr. Bissanti stated that the RFP process is somewhat flawed, but according to the Town Attorney, the process must be followed. But, he would like more open and different ideas. ► Ms. Pfeffer asked if the zoning can be in perpetuity. ► Mr. Nutting responded that this cannot be done, as zoning can be changed. ► Mr. Feldman asked if there were some way to restrict the density. He stated that there has not been a rush to complete the sale of this property. He noted that the Town gets almost all of its power from a solar facility located in Town. He appreciated the engagement from the community on this issue and will take it all into account. He noted that although revenue of 1% does not sound like a lot, it can make a difference to the Town in regard to teachers, firefighters, police, etc. ► Mr. Padula stated that to think that nothing will ever go there is not realistic. Previous RFPs would have increased traffic. He appreciated abutters being passionate about issues. Town revenue is an important issue. He is concerned about what can be done in the future. For instance, if a hotel goes on that property, he would not want it converted into condos or apartments in the future. Is there a way to put in place controls on the property? Is there a way to make sure that it stays to what we agree to now? Can the zoning or RFP be limited? How far into the future can we limit what we agree to?

► Mr. Nutting stated that for instance, a zoning by law can be changed as it is a Council decision. The RFP with the land disposition can be constrained for 20 years. ► Mr. Cerel stated there are mechanisms to ensure the Town gets the development it wants; however, there are no guarantees such as in a sudden economic downturn. There are legal protections but they do not necessarily protect against economic issues. ► Mr. Mercer appreciated everyone's concerns. Council needs to vote based on what is best for the 35,000 residents in Franklin. This zoning change gives Town a chance to see what is in the best interest of the Town. The RFP process works, as was demonstrated by the 150 Emmons Street property. He would not vote for an RFP if a lot of citizens' concerns were not addressed. ► Ms. Pfeffer discussed changing the restriction to 3000 sq. ft. per dwelling unit, which is 14.1 units per acre.

MOTION by Pfeffer to **Amend** Zoning Bylaw Amendment 15-745 to indicate no more than one dwelling unit per 3,000 square feet of lot area will be permitted. **SECOND** by Mercer. **VOTE to Approve: Yes-8, No-1 (Dellorco), Absent-0.**

► Mr. Bissanti stated that when the traffic studies come back it will most likely be realized that 20, 30, or 50 units will not impact traffic flow on Pond Street. Do not want to be too restrictive and should wait to see what will come back in the RFP. Be reminded that the sale of this property has been going on for ten years.

MOTION by Pfeffer to **Move** to curtail discussion. **SECOND** by Kelly. **VOTE: Yes-9, No-0, Absent-0.**

ROLL CALL VOTE for Zoning Bylaw Amendment 15-745 with changes as indicated: Bissanti-YES; Dellorco-NO; Feldman,-YES; Kelly-YES; Mercer-YES; Padula-YES; Pfeffer-YES; Vallee-YES; Williams-YES. **YES - 8, NO - 1, Absent - 0. Passes.**

Chairman Valle declared a 2 minute recess.

TOWN ADMINISTRATOR'S REPORT: ► Franklin Fire Department was recognized for courteous, professional and outstanding response to a 911 call. ► Congratulations to Joseph Barbieri who has been promoted to Captain of the Fire Department, and to Jason Reilly who has been promoted to Sergeant of the Fire Department. ► Anonymous letters sent to the Town Administrator do not work as there is no way to respond. Citizens are requested to put email or phone number. If it is confidential, citizens could come in person to talk to Mr. Nutting. ► The MBTA owes the Town a response to an email. If the MBTA does not respond next week, Mr. Nutting will send another email.

OLD BUSINESS: ► Mr. Bissanti asked when the Zone 6 multi-family concern will be addressed. ► Mr. Nutting said there is a Planning Workshop scheduled in March to discuss various zoning issues.

NEW BUSINESS: ► None.

COUNCIL COMMENTS: ► Ms. Pfeffer acknowledged the passing of Col. Anthony DePasquale. He was a 36-year veteran of the United States Army, a Civil Engineer and employed by the Town at the Transfer Station for the past 6 ½ years. He will be missed. ► Mr. Kelly congratulated Joseph Barbieri and Jason Reilly on their promotions. Asked when holiday decorations in Town will be removed. ► Mr. Nutting said the decorations will be taken down.

► Mr. Padula reminded everyone of the EDC meeting next Wednesday and asked citizens to come and give input.

EXECUTIVE SESSION: None.

ADJOURN: MOTION by Mercer to **Adjourn. SECOND** by Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0. Meeting adjourned at 9:11PM.**

Respectfully submitted,

Judith Lizardi