# FRANKLIN TOWN COUNCIL

**Agenda & Meeting Packet**

July 23, 2025

Meeting will be held at the **Municipal Building**
2nd floor, Council Chambers
355 East Central Street
**6:00 PM**

**A NOTE TO RESIDENTS:** All citizens are welcome to attend public meetings in person. **To view the live meeting remotely, citizens** are encouraged to watch the live stream on the Franklin Town Hall TV YouTube channel or the live broadcast on Comcast Channel 9 and Verizon Channel 29. **To listen to the meeting remotely** citizens may call-in using this number: 1-929-205-6099. **To participate in the meeting remotely** citizens may join a Zoom Webinar using the information provided below. Meetings are recorded and archived by Franklin TV on the Franklin Town Hall TV YouTube channel and shown on repeat on Comcast Channel 9 and Verizon Channel 29.

**ZOOM WEBINAR DETAILS:** ID # 835 1192 2487 & Link: https://us02web.zoom.us/j/83511922487

- **Any participants who wish to speak** during the webinar must enter their **full name and email address** when joining the webinar.
- All participants will be automatically muted upon joining the webinar. In order to speak, participants will need to select the "Raise Hand" function to request to be unmuted.
- All speakers will be required to state their full name and street address before commenting.

---

1. **ANNOUNCEMENTS FROM THE CHAIR**
   a. *This meeting is being recorded by Franklin TV and shown on Comcast channel 9 and Verizon Channel 29. This meeting may be recorded by others.*
   b. *Chair to identify members participating remotely.*
   c. *Upcoming Town Sponsored Community Events.*
2. **CITIZEN COMMENTS**
   a. *Citizens are welcome to express their views for up to three minutes on a matter that is not on the agenda. In compliance with G.L. Chapter 30A, Section 20 et seq, the Open Meeting Law, the Council cannot engage in a dialogue or comment on a matter raised during Citizen Comments. The Council may ask the Town Administrator to review the matter. Nothing herein shall prevent the Town Administrator from correcting a misstatement of fact.*
3. **APPROVAL OF MINUTES**
   a. June 4, 2025
   b. June 18, 2025
4. **PROCLAMATIONS / RECOGNITIONS**
   a. Fire Department - Swearing In of New Firefighter / Paramedic
      i. Jeffrey Wolcott
5. **APPOINTMENTS**
   a. Annual Reappointments and New Appointments of Boards and Committees Members
      i. See "Committee Appointments" in packet for member names

6. **PUBLIC HEARINGS – 7:00 PM**
    a. New Section 12 Restaurant All Alcoholic Beverages License and Approval of Xiao Xia Zhang as the Manager – Kojo Asian Fusion LLC d/b/a Kojo, Located at 28 East Central Street, Franklin, MA 02038
        i. License Transaction # 7a
    b. License Modification – Change of Location of a Section 15 Wine and Malt Beverages Package Store License: The Little Shop of Olive Oils Inc. d/b/a The Little Shop of Olive Oils,, Located at 5 Main St., Franklin, MA 02038
        i. License Transaction # 7b
7. **LICENSE TRANSACTIONS**
    a. New Section 12 Restaurant All Alcoholic Beverages License and Approval of Xiao Xia Zhang as the Manager – Kojo Asian Fusion LLC d/b/a Kojo, Located at 28 East Central Street, Franklin, MA 02038
    b. License Modification – Change of Location of a Section 15 Wine and Malt Beverages Package Store License: The Little Shop of Olive Oils Inc. d/b/a The Little Shop of Olive Oils,, Located at 5 Main St., Franklin, MA 02038
8. **PRESENTATIONS / DISCUSSION** – *None Scheduled*
9. **LEGISLATION FOR ACTION** –
    a. Resolution 25-27: FY26 Community Preservation Appropriation of Funds – Capital
    ***(Motion to Approve Resolution 25-27 – Majority Vote)***
    b. Resolution 25-49: Franklin Town Council Support for Proposed GL Chapter 40B Affordable Housing Project at 202 Washington Street Pursuant to DHCD's Local Initiative Program (LIP):
    ***(Motion to Approve Resolution 25-49 – Majority Vote)***
    c. Resolution 25-50: Adoption of Local Initiative Program "Friendly 40B" Policy
    ***(Motion to Approve Resolution 25-50 – Majority Vote)***
    d. Zoning Bylaw Amendment 25-929: Creation of the Crossing Neighborhood Zoning District – A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 4, Districts Enumerated – *Referral to the Planning Board*
    ***(Motion to Refer Zoning Bylaw Amendment 25-929 to the Planning Board – Majority Vote)***
    e. Zoning Bylaw 25-930: Zoning Map Changes: Crossing Neighborhood Zoning District – A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 5, Zoning Map – *Referral to the Planning Board*
    ***(Motion to Refer Zoning Bylaw Amendment 25-930 to the Planning Board – Majority Vote)***
    f. Zoning Bylaw Amendment 25-931: The Crossing Zoning Use Regulations – A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Use Regulation Schedule, Part I through Part VII – *Referral to the Planning Board*
    ***(Motion to Refer Zoning Bylaw Amendment 25-931 to the Planning Board – Majority Vote)***
    g. Zoning Bylaw Amendment 25-932: The Crossing Zoning District – A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Schedule of Lot, Area, Frontage, Yard and Height Requirements – *Referral to the Planning Board*
    ***(Motion to Refer Zoning Bylaw Amendment 25-932 to the Planning Board – Majority Vote)***
    h. Zoning Bylaw Amendment 25-933: Crossing Neighborhood Zoning District – A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 21, Parking, Loading and Driveway Requirements – *Referral to the Planning Board*
    ***(Motion to Refer Zoning Bylaw Amendment 25-933 to the Planning Board – Majority Vote)***

i. Zoning Bylaw Amendment 25-934: Crossing Neighborhood Crossing District - A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Sections 3, 4, 20 & 31 - *Referral to the Planning Board*
***(Motion to Refer Zoning Bylaw Amendment 25-934 to the Planning Board - Majority Vote)***

j. Zoning Bylaw Amendment 25-938: Residential Commercial Kitchens - A Zoning Bylaw to Amend Chapter 185, Section 3 of the Code of the Town of Franklin - *Referral to the Planning Board*
***(Motion to Refer Zoning Bylaw Amendment 25-938 to the Planning Board - Majority Vote)***

k. Zoning Bylaw Amendment 25-939: Residential Commercial Kitchens - A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Attachment 8, Use Regulations Schedule Part Vii: Accessory Uses - *Referral to the Planning Board*
***(Motion to Refer Zoning Bylaw Amendment 25-939 to the Planning Board - Majority Vote)***

l. Bylaw Amendment 25-940: A Bylaw to Amend the Code of the Town of Franklin at Chapter 82, Fees, Municipal Service, by Adding a New Service Fee: Residential Commercial Kitchen - *First Reading*
***(Motion to Move Bylaw Amendment 25-940 to a Second Reading - Majority Vote)***

m. Bylaw Amendment 25-936: A Bylaw to Amend the Code of the Town of Franklin at Chapter 73, Departmental Revolving Funds (EV Charging Stations) - *Second Reading*
***(Motion to Approve Bylaw Amendment 25-936 - Majority Roll Call Vote)***

n. Bylaw Amendment 25–937: A Bylaw to Amend the Code of the Town of Franklin at Chapter 82, Fees, Municipal Service (EV Charging Stations) - *Second Reading*
***(Motion to Approve Bylaw Amendment 25-937 - Majority Roll Call Vote)***

o. Resolution 25-51: Acceptance of Gifts - Senior Center ($1,646), Veterans' Services ($400), Fire Department ($1,025), Police Department ($1,000), Recreation (AED)
***(Motion to Approve Resolution 25-51 - Majority Vote)***

10. **TOWN ADMINISTRATORS REPORT**
11. **SUBCOMMITTEE & AD HOC COMMITTEE REPORTS**
    a. Capital Budget Subcommittee
    b. Economic Development Subcommittee
    c. Joint Budget Subcommittee
    d. Police Station Building Committee
    e. GATRA Advisory Board
12. **FUTURE AGENDA ITEMS**
13. **COUNCIL COMMENTS**
14. **EXECUTIVE SESSION** - *None Scheduled*
15. **ADJOURN**

*Note: Two-Thirds Vote: requires 6 votes*
*Majority Vote: requires majority of members present and voting*

**FRANKLIN TOWN COUNCIL**
**MINUTES OF MEETING**
**June 4, 2025**

A meeting of the Town Council was held on Wednesday, June 4, 2025, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA. Councilors present: Brian Chandler, Theodore Cormier-Leger, Robert Dellorco, Cobi Frongillo, Melanie Hamblen, Glenn Jones, Thomas Mercer, Deborah Pellegri, Patrick Sheridan. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Amy Frigulietti, Deputy Town Administrator; Mark Cerel, Town Attorney.

**CALL TO ORDER:** ►Chair Mercer called the meeting to order at 7:00 PM. Chair Mercer called for a moment of silence as we remember Krisha Patel and her mother Minaben Patel who tragically lost their lives in a recent accident on Grove Street. All recited the Pledge of Allegiance.

**ANNOUNCEMENTS FROM THE CHAIR:** ►Chair Mercer reviewed the following as posted on the agenda. A Note to Residents: All citizens are welcome to attend public meetings in person. To view the live meeting remotely, citizens are encouraged to watch the live stream on the Franklin Town Hall TV YouTube channel or the live broadcast on Comcast channel 9 and Verizon channel 29. Meetings are also archived by Franklin TV on the Franklin Town Hall TV YouTube channel and shown on repeat on Comcast channel 9 and Verizon channel 29 for those who miss the live meeting. To listen to the meeting remotely, citizens may call-in using the provided number. This will not permit participation in the meeting. To participate in the meeting remotely, citizens are able to join a Zoom webinar using the information provided on the agenda. Any participants who wish to speak during the webinar must enter their full name and email address when joining the webinar. All participants will be automatically muted upon joining the webinar. In order to speak, participants who have entered full name and email address will need to select the "raise hand" function to request to be unmuted. All speakers will be required to state their full name and street address before commenting. ►Chair Mercer announced upcoming events. He said the second annual Porchfest will take place on Saturday, June 7 from 12 PM to 6 PM in the Franklin Cultural District. For more information, please visit Franklinporchfest.info. The rain date is Sunday, June 8. The Franklin Farmers Market begins on Friday, June 6 on the Town Common; the event runs every Friday through October from 2 PM to 6 PM. The Town of Franklin is seeking poets and writers to contribute original works focused on mental health healing and positivity for Overdose Awareness Day on August 31; National Suicide Prevention month is in September. For more information, please visit the Arts, Culture, and Creative Economy page on the Town's website. ►Town Clerk Nancy Danello reviewed the special election held for a Proposition 2 ½ override held on June 3. She reviewed the finalized vote counts. She said there is a total yes vote of 5,107 and a total no vote of 5,303 for the total votes cast of 10,414. She said the total of the registered voters is 25,863. This was a 40 percent turnout. She thanked all the election workers, wardens, police, DPW, facilities, and voters who turned out to vote.

**CITIZEN COMMENTS:** ►Ms. Ariel Shear, 66 Road, said she is speaking on people's perceptions and how they have been expressing what has been happening in this room. She said she hopes this comment helps us move forward productively. She said there has been a lot of discussion about respect. She asked the Town Council that when people come forward and give a proposal on how to modify something discussed by the Town Council such as a budget, the person should not just present the changes that they would make, but also how those changes impact the rest of the document. She said this would promote respect. ►Rev. Doreen Oughton, 183 Main Street, Pastor at the Federated Church, said she wanted to share a letter written to Chief of Police Thomas Lynch and the Franklin Police Department. She read aloud that the social justice team of the Federated Church is writing to formally commend your ongoing dedication to your mission to enhance the quality of life in Franklin while maintaining order and protecting the people in our community. She read they applaud your dedication to uphold the laws of the Commonwealth of Massachusetts in our community. She said they have been concerned about the well being of immigrants who have come to our country. She read that the executive office of the federal government has expedited the removal of immigrants without due

process. She said Massachusetts law enforcement agencies are bound to continue to follow the 2017 Supreme Judicial Court decision Lunn v. Commonwealth. She said unless this is overturned, the Franklin Police Department will continue to follow the edicts provided in the Lunn decision. She said they realize immigration enforcement is a complicated issue for communities and police agencies. She thanked the police department for the work they do.

**APPROVAL OF MINUTES: ►*May 7, 2025 and May 21, 2025.* ►MOTION** to **Approve** the May 7, 2025 meeting minutes by **Dellorco. SECOND** by **Jones. No discussion**. **►VOTE: Yes-9, No-0, Absent-0. ►MOTION** to **Approve** the May 21, 2025 meeting minutes by **Dellorco. SECOND** by **Jones. No discussion**. **►VOTE: Yes-9, No-0, Absent-0.**

**PROCLAMATIONS/RECOGNITIONS**: ►None.

**APPOINTMENTS**: ►None.

**PUBLIC HEARINGS - 7:00 PM: ►*FY26 Town Council Annual Operating Budget Hearing - Continued from May 22, 2025.*** ►Chair Mercer said this is an open hearing for anyone to offer comments. He gave a statement. He said after the failed override of Proposition 2 ½, it is now the responsibility of the Town Council to make the necessary adjustment to balance the Town's FY26 budget. The Option B proposal that the town administrator will speak to balances the budget with the cuts we told the community would be done. He said we want the community to know we have not taken this situation lightly. Over the past nine months the Joint Budget Subcommittee, town administrator, and superintendent of schools posted a year-long transparent budget process in an effort to walk the community through the entire operation budget. They held nine meetings over seven months and received much feedback and engagement from the community. He said they articulated to the community what was at stake. However, a majority of Franklin voters chose to vote no. He said it is his belief that they need to make the exact cuts they said they were going to make to ensure we follow through with what we said we would do. For those who suggested we can always find the money, I hope they realize there is no way to save all the services that were on the menu of cuts. He said these cuts will have impacts on services and staffing across all departments; our goal remains to manage this process with transparency, fairness, and fiscal responsibility. He said they appreciate the communities continued engagement and support as they navigate these challenges together. ►Town Administrator Jamie Hellen narrated a slideshow presentation of the FY26 Budget Model Post-Override. He said all the material he is reviewing is posted and available on the website. He said the police chief, fire chief, superintendent of schools, and library director also will be speaking. He reviewed the slide titled "Proposed Revisions – Actual." He reviewed and explained each account number, department, service or staff reduction, and the corresponding monetary reduction. Reductions included, but were not limited to, the following: Board of Assessors-reduce vacant administrative assistant; Facilities-realized redistricting savings, including two custodians; Fire-reduce two firefighters; Police-reduce two police officers; Franklin Public Schools-reductions; DPW-see list of cuts; Library-expenses; OPEB-reduced line item; Benefits-reduce/alter benefits; and Staff Reductions in TA Office, Planning, DPW, and Senior Center. The total reductions from the menu total $4,064,500. The budget deficit (lost override) is $3,862,672 which produces a surplus of $201,828. He reviewed the slide titled "Impacts." He reviewed and explained that the Joint Budget Subcommittee laid out a menu of options and cuts that would take place if the deficit was not fixed. He said we are proposing to not use the $450,206 in one-time revenues from the MECC Stabilization Fund. He said Superintendent Lucas Giguere can describe the proposed cuts and reductions to the Franklin Public Schools. Chief Lynch and Chief McLaughlin will speak to their departments' specific impacts. The loss of DPW expenses will impact road repairs, tree trimming, trail maintenance, school grounds, and more. He noted the cut of Library expenses and the loss of OPEB funding. He reviewed the slide titled "FY26, FY27 and Beyond." He said there is no more room to cut. Town officials have reformed all departments over the past five to 10 years. He encouraged all to read the department heads' letter dated December 17, 2024. He explained that we are in a very dangerous situation relative to some of the smaller departments with the cuts. He reviewed that it must be a priority to refrain from any new staff positions, initiatives, programs, or

priorities from the community, and the Town and School must refrain from restoring old programs that affect the operating budget. He discussed they may want to consider a new Free Cash policy where maybe a percentage of free cash every year has to be used in the operating budget to be able to sustain the budget in perpetuity. He reviewed that a rocky economic forecast and increased unemployment are enormous factors in the FY27 and beyond. He talked about the state budget and noted that the millionaires tax seems to be working out well; he said sales tax revenues are below benchmark. He showed and reviewed the slide titled "Town of Franklin Fiscal Year 2026 Revenue and Control Sheet" which shows Option A with the override passed and Option B with the override not passed; the document is posted and available on the website. He said the numbers he just went through are also shown here in the adjustment column. The document shows where the reductions are in the operating budget. ►Chief of Police Thomas Lynch said they would be losing $218,000, and he will review what that equates to in impacts to the department. He provided the history of the police budget and staffing. He said in 2000 they were budgeted for 54 police officers. They only got to 50 due to economic times. He said then they ended up going from 50 to 32. It eventually came back and in 2016 when he became chief, they were at 46. They are now at 58. He said he has discussed that the understaffing of the sworn officers causes increased overtime expenditures, ordering personnel to work open shifts, canceled training opportunities, canceled time off, and reassignment of personnel which are all issues that negatively affect the organization and decreases morale. He discussed the industry standard in staffing and the number of officers needed. He explained that over the course of nine years, periodically for nine months, they have been at full staff. He reviewed the need for sufficient personnel. He talked about the safety of the officers, increased traffic enforcement, turnover due to retirements and other reasons, and forced overtime. He reviewed the results when they were at full staff at 58 in February 2024: better traffic enforcement, no forced overtime, training positively affected, and threat of transfer from specialty assignment no longer existed. He noted his budget is $7.5 million, and his budget does not allow him to take anything out of expenses, so the reduction has to come out of personnel. He reviewed that they have to cut two personnel for $218,000. He said in good conscience they cannot reduce personnel from the patrol operations division. He talked about the importance of school resource officers and the community service unit. He said the department happens to currently have two open positions as one sergeant is becoming a chief of police in another town and one patrol officer is transferring to another community. He did not fill those positions. He reviewed that the following programs would be significantly reduced or eliminated: school resource officers, comfort dog program changed, no Dean internship programs, car seat program reduced, summer leadership program may not be done, annual Halloween Party, and more. He explained that you cannot expect two officers to do the work of four. He said he just reviewed how the budget cuts will hurt the department, diminish the services for the community, and set the police department back after they worked so hard to get where they are today. He said the voters have spoken. He reviewed that since 1991 there have been six override requests with only one passing in 2008. He reviewed that there are many reasons why people may have voted no. He talked about the town's AAA bond rating which shows how well the town is fiscally managed. He said he thinks a large portion of the no votes were from voters who simply do not believe the town needed the additional $3.8 million. He explained this may be because on several occasions in the past with a failed override, the proposed cuts were not followed through with, so many think that the town seems to find the money after a failed override. He explained how the Town Council has been able to balance the budget and how using one-time funds is not a good idea. He discussed how all departments work together and how a reduction in one department will affect all other departments. He said he could argue that the police department's cut not be made. He said but what department would have to take the $218,000 reductions. He said the Town Council should make no changes to the proposed reductions prior to the override vote. He said reduce the police department budget as proposed as painful as that may be. He said he cannot think of another way to prove to those who believe the town is crying wolf what the reality is. He said if we do not have enough funding currently from the three sources to sustain a level services budget, it should be expected that we will experience a deficit in FY27 and beyond. ►Fire Chief James McLaughlin said he has been here for six years and all Town Council members have provided great support to the department. He said Town Council has a difficult decision to make based on the failed override. He said the proposed cuts include two firefighters; he will honor and respect that plan. He said they acknowledge they will have to take their cuts like all other departments. He said he agrees with all Chief Lynch said. He

discussed the consequences they will face. He said they currently have one vacancy, their last firefighter was hired in April 2025, and that firefighter will have to be let go. He said their third ambulance will be permanently out of service on July 1, 2025, as a result of the two lost positions. He said they provided information to the Town Council of the success of the part-time third ambulance, and they actually believe they need a full-time ambulance. He said because of the loss of the third ambulance, he projects about 500 mutual aid ambulance calls for the town. He said each call nets into the general fund about $1,000. He said they will forfeit about $500,000 in ambulance transport revenue to save $250,000 in FY26. He explained the projected delays in ambulance time arriving to a call. He said of the 500 calls, there will be heart attacks, strokes, and early pregnancy and those calls will be part of those calls and seconds, not minutes, make a difference. He said he does not want to see another department suffer for the fire department. He agrees with sharing the burden with everyone else. He said the voters have voted. He said the fire department will persevere. He said history will show this will make us stronger as the firefighters are professionals who serve this community with pride. ►Superintendent of Schools Lucas Giguere said he prepared some remarks. He said the override did not pass. He said he shares the disappointment. He reviewed the $2 million structural deficit for the schools. He said the final allocation is to be decided by the Town Council, but the proposed reductions to meet the structural deficit were informed by the joint budget process. He said it was understood by him these were the cuts that would have to be sustain if the override failed. He said adjustments to the proposed cuts after the vote or delayed decisions required to finalize and balance the budget could risk undermining the process that has been underway. He said these are challenging times and we have a responsibility to move our community forward. He said it is important to follow through with this process. He said please do not mistake his resolve to follow through on a lack of advocacy for the schools. He reviewed the impacts. He said as part of the reorganizing, they reduced 29 positions. In addition, after last year's failed override, they cut 24 teachers. He said this is real and they need to move forward in a productive way. He reviewed that the bottom-line allocation is voted by Town Council; the details are voted by the School Committee. He has not given his specifics to the School Committee yet. He said with the reductions, there are approximalety12 reductions across various roles within the district. He said some of the reductions will come from unfilled positions and some from savings through attrition. He said some reductions will be in program and operational cuts. He said they are looking to continue with the athletic fees from last year, there will be reductions of some clubs, and increased reliance of some revolving funds and grant funds. He said they will communicate further details as they move forward. He supports the overall message from the chiefs. ►Library Director Felicia Oti said that as she said two weeks ago, it is part of the same story. She said when she took over the staff was at 25 people; today it is less than half. She said she respects the decision from the community, but she does not understand how more we could put it. She said if you do not see the library operating at 2008 levels, if you do not see that as efficiency and cost effectiveness, if you do not see a library that came from 25 to 12 people and compared to comparable communities this is 12 people compared to 39 in Natick and 28 in Needham and 24 in Norwood, if you do not see that as efficiency and cost effectiveness, I do not know how else we can put it. She said look at the programming, the hours, the presence in the community. She explained that the Massachusetts Library Association reached out to them and invited three members of the staff to make presentations at the Massachusetts Library Association. She said she is very proud of the staff and the work that we do. She said they have been operating on very slim margins. She said they cannot continue. She said Sunday hours will be closed and all of the painting workshops and chess programs will be cancelled. She said the community can expect longer wait times for materials. She said the community can expect to see over two dozen programs fewer a month beginning July 1. She said it is very sad as they have worked hard since 2012. She said this is the slow erosion of the library services. ►Ms. Roberta Trahan, 1 Green Street, said she is a lifelong resident and is devastated at the loss of the override. She said it has been made clear what would be cut if the override failed. She said as difficult as this is, you must make the cuts outlined swiftly and without guilt. She thanked the Town Council for their time and services. She said do your job. ►Ms. Nadia Mausolf, 35 Reid Street, read her statement. She said she has spent months of her time trying to learn and educate this community about our budget situation. She said she is disgusted, upset, and genuinely disturbed that this community is not a we community at all but one that only looks out for their own. She said she is asking the Town Council to hold themselves and the community accountable for their own actions. She asked them to honor the proposed cuts as outlined. She

talked about the schools restructuring plan. She said they will now have an underfunded and starved school system. She said many of the voters could not even be bothered to show up or those that did selfishly chose to be shortsighted. She said this community needs to understand that they will be held accountable for their intolerance and abandonment by feeling the impact their vote or lack thereof. She said the schools have done their job and parents have ponied up the cash to ride and play. She said tonight you need to show the town that proposed municipal cuts were not scare tactics. She said we will all suffer from these impacts, but she does not see another way forward in this stubborn town. She said she is against this town thinking this is a game. She said that perhaps when this community feels the pain that our students and families already feel, they will understand that they are a big part of the problem. She said this whole town needs to feel this outcome, not just our youth. She said her message is that this is never going to work if we do not come together and start listening to each other and working together. ►Mr. Max Morrongiello, 127 Central Park Terrace, said that he appreciates the testimony by Mr. Hellen, Chief Lynch, Chief McLaughlin, Superintendent Giguere, and Ms. Oti. He urged the Town Council to vote yes for Option B without amendment. ►Ms. Denise Spencer, 59 Milliken Avenue, said this statement reflects her own beliefs and hopes it does not negatively affect the school department. She said the schools have been told to think creatively and she asked if the town applied the same demand for creativity elsewhere. She asked has there been discussion about consolidating facilities and shuttering the historical museum, has the recreation department considered raising fees, and has it been considered running the senior center part time out of the library. She said many of the municipal cuts will affect the schools. She said citizens recognized an override was needed but did trust the Town Council and town administrator would appropriate the funds correctly. She explained the schools have already done the hard work. She urged the town leaders to get creative and make sacrifices that reflect the shared responsibility we all have to our community's future. ►Mr. Ken Ojukwu, 73 South Street, said he thinks the Town Council will stick to the cuts outlined. He said we are where we are and we have to live with it. He said we have to stop looking backwards. We need to figure out a way to move forward. He thought the listening sessions were a good start. He noted these people are doing this on a volunteer basis. He said he thinks the only answer is to continue to provide information and the opportunity for people to be heard in those forums. He said he is going to ask to think about where we go from here. He said we need to make a better plan. ►Ms. Ariel Shear, talked about making decisions between what we want and what we need. She noted we might want a historical museum but need ambulances. She discussed that instead of funding the historical museum for $75,000 they could hire a special teacher for dyslexia at one of the elementary schools. She discussed the impacts of dyslexia and the cumulative harm. She said she has immersed herself in the town's budget. She said she was looking at wants that are not needs in the budget. She said she pulled out the expenses she believes would have minimal cumulative harm and reallocated programs that do have researched backed positive impact. She said she would share her information highlighted in yellow. ►Ms. Jenna Cohen, 14 Elm, said in this moment she has gratitude and extreme disappointment in her town. She said she is confident they can move through this together. It will take kindness, patience, respect, and more. She said teams across this town have worked diligently to educate, to communicate, crunch numbers, and do right by us. She said with the override they have undone some of the hard work. She said we have impacted the morale of our helpers. She said the pain needs to be felt across every single department, and it has been laid out and explained. She said slightly more than 20 percent of this town decided on this path. She said if you want different, show up and vote. She said she asks that they keep their word and lead with integrity because of this hard moment and make the hard decisions. She asked the community to engage with respect. ►Ms. Rowan Lowell, archivist at the Franklin Historical Museum, said there are many important projects that serve thousands of the community and they all have value and that applies to all departments and schools. She said when people are coming to town hall, visiting the senior center and library, treat the folks serving you with compassion and understanding, and they are all putting in extra time. ►Mr. Jamele Adams, 56 Jefferson Road, said he has heard many folks showing care for the community. He said politics should not dictate how we move as a community and how we go forward. He talked about people who get laid off. He talked about politics did not matter when the houses were burning down in California. He said if budgets get cut and the food pantry needs food we will get some food and give it to them so everyone can eat. He said we can be a community and show love for each other. He said because we disagree on something does not mean we should not be able to move together. He asked

everyone to dig down and determine what they can do and sacrifice a little. He said whoever voted yes, maybe they can give a little more. If they voted no for whatever reason, we have to understand. He said sacrifice, compassion, and empathy are things we are losing. We are in this together. He said we do not ask political identity before we help someone. He said he is asking the politicians to take control of this thing and be the example for other towns. ►Mr. Robert Kaufman, 4 Cohasset Way, Council on Aging, said he is here to address the people who voted against the override. He talked about when he moved to New England in 1983, and he talked about proposition 2 ½ and that you are always going to be behind the eight ball. He said we are going to have to let people feel the pain. He said the override will pass eventually, but they are going to have to feel the pain. He explained this is time to squeeze. He said you have to do what you have to do, and we are not going to get out of this until people feel the pain. ►Mr. Daniel Saunders, 5 Curtis Lane (via Zoom), said he is okay with all the cuts outlined. He said some people believe there is some financial mismanagement. He said it is financially irresponsible to take a $178,000 cut to the fire department and give up $500,000 in revenue. He said the fire chief said that, and he is right that it makes no sense. He said you can do all the rest of the cuts except that one. He said if you restore the cuts to police and fire, it comes to a $98,000 surplus because it restores all that income. He said he does not think police and fire cuts and he does not think they should be putting the pain on the community when it makes no financial sense whatsoever. The rest of the cuts he is a go with. He said the Town Council decides who the cuts are. He reiterated the fire and police cuts should not be cut and they should be restored. ►Mr. KP Sompally, 42 Palomino Drive (via Zoom), said he is member of the School Committee. He said the failure of the override brings significant challenges for the schools. It is not just about numbers, it is about students, teachers, and the quality of education. We are now facing difficult decisions that may include staff reductions, larger class sizes, and reduced programs. We are transparent and collaborative as we move forward and work with town leadership to find sustainable solutions. He said we thank the community for their engagement. Our mission remains clear even during difficult times. ►Councilor Jones thanked everyone who voted and the staff for their hard work on the election. He explained the word schism and reviewed his favorite song titled schism and read aloud some of the lyrics. He said 51 percent of the people voted no for the override. He said 60 percent of the registered voters did not cast a vote. He said history tends to repeat itself in Franklin. He reviewed that he was on the Town Council on Wednesday, June 9, 2010, and the override failed then, too. He read aloud a letter from then Chair Scott Mason to the community. Councilor Jones said the rabbit is dead. He said this is a systemic problem. This is not going to go away because when he was 10 years old Proposition 2 ½ was passed. He said we have been dealing with this for over 45 years, this structural deficit. This is a problem that will not fix itself. We have been dealing with it for years. He said when people voted yesterday, this vote does not affect just the people who said yes, it affects everybody. He said this is the Town of Franklin, when we make the cuts, it is across the board, not just schools, police, or fire department. He said this is everybody. He said where do we want to be in another 10 years from now. He asked what can we do to break this schism. He said he has been looking for a solution for years. He asked the fire chief to confirm that they are under the impression that the call volume is going to increase. He asked how would you express the significance of the volume of calls in the past few months. ►Chief McLaughlin said in the last several years it has gone up 224 calls per calendar year. He said approximately 72 percent of the call volume is EMS calls. ►Councilor Jones said he really cares about the fire department. He reviewed the motor vehicle crashes in town since 3:50 PM today. He said our first responders are constant responders. He talked about the sad incident on Grove Street. He said the fire department has his support. He said he will vote to support these cuts because people need to feel the thorn; people need to feel the pain that comes with this. ►Councilor Dellorco said this is going to be a hard night. He said he has been involved with the union for over 40 years. He said it is hard to take jobs away. He said we have to come together; it is very important to work together. There is no need to fight anymore and be mad at each other. He said this is the worst division in the town he has seen in 14 years. He said people are looking for jobs now and morale is down. He said they have to come together and work together to bring Franklin back. He said he supports the cuts tonight. He said there is no more money and you will see the cuts and feel the pain. ►Councilor Pellegri said she went line by line on the budget today. She said she has to agree with the things that Mr. Hellen has here. She said these are going to work out. She said she does not like seeing police, fire, DPW, library, or anyone having to make these cuts, but we are going to be able to make things go. She said we are all going to work together, and this is going to

work. She asked if 12 teachers are going to be let go. ►Superintendent Giguere said it is not 12 teachers exclusively, but 12 FTEs and reductions. He said he will be detailing the reductions to the School Committee on Tuesday. He said the educators have really worked hard with all the changes, and they are phenomenal to put forth the best education that this town expects. He was hoping for a different outcome tonight. This is going to be hard. He said if we are thinking long term, we have to think about how this failed, and it seemed like the majority thought they would be pulling a rabbit out of a hat. ►Councilor Pellegri said she thinks it is wonderful how all the departments work together, municipal and school. We are going to work together and get this done. ►Councilor Chandler said he agrees with what Chief Lynch and others said. He said that we said we were going to make these cuts, and we are going to make these cuts. He said he read the letter from the Fire Fighters Union. He asked about the $500,000 we make from the ambulance. ►Chief McLaughlin said that goes into the general fund; that is roughly what we recoup as a net, approximately $1,000 per call. ►Councilor Chandler reviewed the math for the ambulance, overtime, one-time funds, and the money that comes in could be paid back, and that essentially, we could run the ambulance for nothing. ►Chief McLaughlin said his concern would be two-fold. One would be the overtime costs and we would be back here in May and the overtime budget would be in the red and people may forget about this conversation. He discussed overtime and the new generation and said some people come to the department because we do not order overtime. He said if we get into a situation where we are ordering a lot of overtime we could get into a situation that would be a determent for morale, recruitment, and retention. ►Councilor Chandler said he was going to vote for what is in front of them.

***Councilor Dellorco left the meeting.***

►Councilor Chandler asked about the LPN they are losing for $26,000 at the Senior Center. He asked if the Senior Center could be kept to Franklin people and would that be $26,000 of services. ►Senior Center Director Sarah Amaral said it is about 75 percent Franklin residents and 25 percent out-of-town people. She said everyone who comes in brings in revenue such as for fitness classes, events, and meals whether you are from Franklin or not. ►Councilor Cormier-Leger said he cannot pretend he will be positive and put on a happy face. He said he is not okay right now. He said it is going to take some time to heal. He said he appreciates every staff person we have; they all do an exceptional job. He said he knows they have to make some difficult decisions tonight, and they outlined a menu of possible cuts.

***Councilor Dellorco re-entered the meeting.***

►Councilor Cormier-Leger said he struggles that the large portion of the deficit is going to hit our School Department again. He said it is not good, and it is a School Department that has taken the hit over and over again. And, on top of that police and fire staff which is jeopardizing public safety and is not even something he can wrap his head around. He said he also struggles with how can we justify losing teachers, and police, and fire and keep the historical museum in the budget. He said that is a want, not a need, and not bringing in any revenue. He said he struggles with lines 690 and 691 under the current budget constraints. He struggles with the COLAs that are in this budget for non-union, non-contract obligated employees. He said we cannot afford them. He said he struggles with letting go of people and saying this group of people we are okay with giving a small raise to. He said everyone deserves the COLA, but how do we justify it. He said he would say non-union, non-contractual employees making $100,000 or more that we table their COLA until the fall and revisit it if we have the money. This would send a strong message to the community. He said he also struggles with line 693. He said he fought for the Arts and Culture director, but he is back and forth because there is some revenue tied to that position. He said she is the plan for the World Cup and other events to bring money into the town. He said he urges everyone to give thought about 690 and 691 and the COLAs in the current budget model before voting. He said his final comments are about revenue generation. He said they talk a lot about what departments bring in. He said they have not talked about the potential for Recreation to do more. He talked about charging fees for the use of the fields including all private groups even if it is a Franklin group. He said with respect to the Senior Center, maybe we do have to shift to a fee for Frankin residents to enjoy the programs and services and fees for people who do not pay taxes here. He

said he is not in a good place. He said he feels he worked a lot for this override, and they did not get it. He said he will come to grips with that because he loves the town and giving of his time. ►Councilor Sheridan thanked everyone who volunteered. He said we fell short and he is upset about it, but we did the best we could. He asked about other towns who run historical societies and how they are funded. ►Mr. Hellen said historical societies are different structures and usually 501c3. He said it is a model that we can look into. ►Councilor Frongillo said yesterday when he found out he has never been more angry, and disheartened, and disappointed in his town. He said but how can you not love the town when you have leadership like we have heard from today. He said we are going to be okay. He said we have a lot to be grateful for in this town. He said this hurts. He said on the impacts, he commends other Town Council members for what they voiced regarding possible savings. He said related to that, there are some services that are easy to point to for the direct revenue input. He said we have a collective value that is increased by having a strong library and schools that attract people to come to town. He said he wanted to note impacts. He said he supports the proposed cuts, mostly. He said he is scared of our continued practice of putting the largest burden on our schools. He discussed the municipal side creeping into the school expenditures over time. He said certainly the school parents know we are not crying wolf with the school services. He said his biggest fear is that the DPW continues to be an easy place to cut because the impacts are felt in the long term not the short term. We continue to erode our infrastructure expenditures. He talked about unfunded liabilities and the drop in road quality over the years. He said this is true of our avoidance of OPEB liabilities. He noted the cutting of administrative, assessing, and planning department assistance. He discussed why that is scary. He said we will continue to see a decline in our ability to serve customers and engage citizens and communicate with the public. Those are not cuts to be taken lightly. He said general reflections, at the national and local levels, too many are mistaking the sowing of fear, doubt, and division for responsible citizenship or worse sound leadership. He said responsible citizens lean in, ask questions, read materials, and show up for meetings, trust experts, assume good intent, listen to neighbors. He said spreading and believing misinformation and negativity is easy; responsible citizenship takes effort. He said wherever possible, make the effort. ►Councilor Hamblen said this is really hard. She said she gets choked up. She liked the comment by Councilor Jones. She thanked those who spoke for their poignant and inspiring comments. She said talking about teamwork and togetherness is good, and we can succeed as a team. She said after last year's failed override, people said they wanted more information, so we provided it all. She said they wanted to help educate the public. She said they had listening sessions, and they listened. She said people asked for level services. She said they made a list of cuts for if the override fails. She talked about DPW, schools, fire and police. She said it is devasting. She said she is a believer in democracy. She said the no votes said yes to the cuts and they won. So, we have to make the cuts across all the departments and across all the community like we said we were going to do. This is a difficult task. She said we must make the cuts that we said we would. She said they are listening and are serious. She said she sometimes feels people are not listening to us. She said we will get through this together. ►Chair Mercer thanked the Town Council members. He said this is not an easy task. He said these cuts have to be made. He said we are going to be okay. He said he believes in the town and community. He said everyone in this room is here because they love Franklin. He said they need to work harder to inform the 60 percent of the eligible voters; we need to help get the information to them so they will come out and vote. He said they put a lot of time into the Joint Budget Subcommittee, and it was worth it because it helped to inform people. He said they will start the Joint Budget Subcommittee process again this fall. He thinks it was a good process. He said if we continue to work together, we will persevere. ►Chair Mercer declared the public hearing on the FY26 budget closed.

**LICENSE TRANSACTIONS:** ►None.

**PRESENTATIONS / DISCUSSION:** ►None.

**LEGISLATION FOR ACTION:**
**Note:** Two-Thirds Vote requires six votes; Majority Vote requires majority of members present and voting.

►Chair Mercer explained that they have split the budget because Councilor Dellorco will be recusing himself from the first vote as he has a family member who works at the Senior Center. He said we will move that legislation first and then Councilor Dellorco will come back to vote the balance of the budget.

***Councilor Dellorco recused himself.***

***Resolution 25-37: Amendment to the FY2026 Budget.*** ►Councilor Jones began reading the resolution. **Discussion:** Discussion commenced on the best way to vote the budget and the amendment. It was decided to do Resolution 25-36 first.

***Councilor Dellorco re-entered the meeting.***

*a.* ***Resolution 25-36: Adoption of the FY2026 Budget Appropriations Minus the Senior Center - Budget Vote (Motion to Approve Resolution 25-36 - Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-36: Adoption of the FY2026 Budget Appropriations Minus the Senior Center - Budget Vote by **Dellorco. SECOND** by **Hamblen. Discussion**: ►Councilor Cormier-Leger said he would like to make a motion to amend the FY26 voting document. ►**MOTION** to **Amend** to remove the budget for the line items 690 and 691 by **Cormier-Leger**. **No Second Made**. ►**VOTE (to approve Resolution 25-36): Yes-9, No-0, Absent-0.**

***Councilor Dellorco recused himself.***

*b.* ***Resolution 25-37: Amendment to the FY2026 Budget (Motion to Approve Resolution 25-37 - Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-37: Amendment to the FY2026 Budget by **Hamblen. SECOND** by **Cormier-Leger. No discussion**. ►**VOTE: Yes-8, No-0, Absent-0, Recused-1.**

***Councilor Dellorco re-entered the meeting.***

*c.* ***Resolution 25-21: Salary Schedule: Full-Time Elected Official (Town Clerk) (Motion to Approve Resolution 25-21 - Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-21: Salary Schedule: Full-Time Elected Official (Town Clerk) by **Dellorco. SECOND** by **Hamblen. Discussion**: ►Mr. Hellen said the elected official's salary is in the town bylaws and town code and so it requires a vote every year. ►Councilor Cormier-Leger confirmed the COLA for the town clerk is the same COLA that has been approved for all other staff. ►Mr. Hellen said that is correct. ►**VOTE: Yes-9, No-0, Absent-0.**

*d.* ***Bylaw Amendment 25-936: A Bylaw to Amend the Code of the Town of Franklin at Chapter 73, Departmental Revolving Funds (EV Charging Stations) - First Reading (Motion to Move Bylaw Amendment 25-936 to a Second Reading - Majority Vote).*** ►Councilor Jones read the bylaw amendment. ►**MOTION** to **Move** Bylaw Amendment 25-936: A Bylaw to Amend the Code of the Town of Franklin at Chapter 73, Departmental Revolving Funds (EV Charging Stations) to a Second Reading by **Dellorco. SECOND** by **Hamblen. Discussion**: ►Mr. Hellen said this is a proposal for a new revolving fund for the EV charging stations. The second resolution is for the rate. He said for folks who have been charging while they were being installed across various locations, now people will have to pay 35 cents per kilowatt. We will use the revolving fund to pay the bills. ►Director of Facilities Michael D'Angelo said we pay between 22 cents and 26 cents per kilowatt for electricity. We will be making a profit at 35 cents per kilowatt. We have 24 level 2 charging spots in Franklin. He said we are installing 18 spots of level 3 fast charging. He explained National Grid's incentive is giving us $1,320,000 as an incentive for the 18 spots. He said we are paying $30,000 as our portion. He said the Tesla chargers in the Village Plaza currently charge 37 cents for their fast chargers so we are under them just a little bit. He said our chargers are open to any car. ►**VOTE: Yes-9, No-0, Absent-0.**

*e.* ***Bylaw Amendment 25–937: A Bylaw to Amend the Code of the Town of Franklin at Chapter 82, Fees, Municipal Service (EV Charging Stations) (Motion to Move Bylaw Amendment 25-937 to a Second Reading - Majority Vote).*** ►Councilor Jones read the bylaw amendment. ►**MOTION** to **Move** Bylaw Amendment 25–937: A Bylaw to Amend the Code of the Town of Franklin at Chapter 82, Fees, Municipal Service (EV Charging Stations) to a Second Reading by **Dellorco. SECOND** by **Hamblen. No discussion**. ►**VOTE: Yes-9, No-0, Absent-0.**

*f.* ***Resolution 25-23: Snow and Ice Transfer of Funds (Motion to Approve Resolution 25-23 - Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-23: Snow and Ice Transfer of Funds by **Dellorco. SECOND** by **Hamblen. Discussion**: ►Mr. Hellen said they had some leftover snow and ice money from this year. He said they are up to about $750,000 in that account in case we ever have a really bad winter again. He said the entire snow and ice budget was used expect for $200,000. Think of the winter we had and how much we still spent which is why we have this emergency fund. ►**VOTE: Yes-9, No-0, Absent-0.**

*g.* ***Resolution 25-35: Appropriation of Funds from Receipts Reserved to Road Repairs (Motion to Approve Resolution 25-35 - Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-35: Appropriation of Funds from Receipts Reserved to Road Repairs by **Dellorco. SECOND** by **Hamblen. Discussion**: ►Mr. Hellen said we have to vote every year on the ride share money from the state and a bill will be paid for sidewalk or road repair with this $7,000. This is the share of money that comes in from the state from people who use Uber and Lyft in Franklin from the surcharge. ►**VOTE: Yes-9, No-0, Absent-0.**

*h.* ***Resolution 25-25: Community Preservation Fund: FY26 Annual Appropriations and Reservations (Motion to Approve Resolution 25-25 - Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-25: Community Preservation Fund: FY26 Annual Appropriations and Reservations by **Dellorco. SECOND** by **Hamblen. Discussion**: ►Mr. Hellen said this was the recommended budget framework for the year from the Community Preservation Committee. They anticipate $1.9 million in revenue. Each of those categories are required by law and the administrative expenses are 5 percent of the fund and everything else is at-large budget reserve. ►**VOTE: Yes-9, No-0, Absent-0.**

*i.* ***Resolution 25-26: FY26 Community Preservation Appropriation of Funds – Capital (Motion to Approve Resolution 25-26 - Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-26: FY26 Community Preservation Appropriation of Funds – Capital by **Dellorco. SECOND** by **Hamblen. Discussion**: ►Mr. Hellen said this is the slate of projects approved by the Community Preservation Committee last month. He said most of this is the Schmidt's Farm and Maple Hill open space purchases. He noted the redistricting project for the schools, the elementary school playground expansion complexes. He noted that for the allowable use, those playgrounds are available and open to the public around the clock during non-school hours. He said this is helping with getting the school redistricting done. He noted the support for the repair in the main hall of the library due to a gutter problem with ice. ►Councilor Jones said this is a wonderful thing. This is such a good use for these funds. ►Mr. Hellen said this is the five-year anniversary of when the voters voted in the Community Preservation Act. He said all of this stuff would have never been done without the CPA. ►Councilor Pellegri said she wants people to know this is not money coming out of our budget. She said we accepted the CPA and all of this money that we are getting is just a gift to us; it is wonderful. ►Councilor Cormier-Leger asked about page 4 for the $105,245 that is being considered for the Franklin United Methodist Church. ►Mr. Hellen said the church has a project for historic preservation that was approved by the CPC after a long discussion related to some exterior approvements. He said it is not on here for approval because the town attorney and Mr. Hellen have to make the Town Council aware of a Supreme Court case from Acton that revolves around places of worship with CPA money to make sure

you are comfortable with the use. He said it is an allowable use with certain criteria. He said that will be an in-depth discussion for a future meeting. ►**VOTE: Yes-9, No-0, Absent-0.**

*j.* ***Resolution 25-24: Transfer of Funds from Water Enterprise Fund Retained Earnings to Water Line Project (Motion to Approve Resolution 25-24 Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-24: Transfer of Funds from Water Enterprise Fund Retained Earnings to Water Line Project by **Dellorco. SECOND** by **Hamblen. Discussion**: ►Mr. Hellen said this is the final payment of the water main replacement program over the past five years. He gave a shout-out to Mr. Brutus Cantoreggi, Mr. Doug Martin, and Mr. Michael Maglio. He said they authorized this before the pandemic and that they got this done on budget within the five or six years and all the additional work they did with the ARPA funds shows what an incredible team they are. He thanked them and the whole water team for their work. ►**VOTE: Yes-9, No-0, Absent-0.**

*k.* ***Resolution 25-34: Appropriation of Funds from Receipts Reserved for PFAS Remediation (Motion to Approve Resolution 25-34 Majority Vote).*** ►**MOTION** to **Waive** the reading by **Cormier-Leger. SECOND** by **Dellorco. No discussion**. ►**VOTE: Yes-9, No-0, Absent-0.** ►**MOTION** to **Approve** Resolution 25-34: Appropriation of Funds from Receipts Reserved for PFAS Remediation by **Dellorco. SECOND** by **Hamblen. Discussion**: ►Mr. Hellen said DOR put out a new bulletin that we have to have a remediation fund. The good news is this is all money coming from the PFAS lawsuits. He said we are starting to get the funds in from the lawsuits and this money will help offset the costs of the PFAS plants we have to build. He noted that the federal government did delay the PFAS compliance by two or three more years, but the state has not. ►**VOTE: Yes-9, No-0, Absent-0.**

*l.* ***Zoning Bylaw Amendment 25-935: A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 24, Floodplain District - Second Reading (Motion to Approve Zoning Bylaw Amendment 25-935 - ⅔ Roll Call Majority Vote).*** ►**MOTION** to **Waive** the reading by **Cormier-Leger. SECOND** by **Dellorco. No discussion**. ►**VOTE: Yes-9, No-0, Absent-0.** ►**MOTION** to **Approve** Zoning Bylaw Amendment 25–935: A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 24, Floodplain District by **Dellorco. SECOND** by **Hamblen. Discussion**: ►Mr. Hellen said this is the final vote on what FEMA requires us to do to get federal mitigation money. ►**ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES.** ►**VOTE: Yes-9, No-0, Absent-0.**

**m.** ***Resolution 25-32: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44 §53F3/4 (Motion to Approve Resolution 25-32 - Majority Vote).*** ►**MOTION** to **Waive** the reading by **Cormier-Leger. SECOND** by **Dellorco. No discussion**. ►**VOTE: Yes-9, No-0, Absent-0.** ►**MOTION** to **Approve** Resolution 25-32: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44 §53F3/4 by **Dellorco. SECOND** by **Hamblen. No discussion**. ►**VOTE: Yes-9, No-0, Absent-0.**

*n.* ***Resolution 25-33: Acceptance of Gifts - Senior Center ($1,510) (Motion to Approve Resolution 25-33 - Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-33: Acceptance of Gifts - Senior Center ($1,510) by **Dellorco. SECOND** by **Hamblen. Discussion**: ►Chair Mercer said a huge thank you for the continued support of our Senior Center, veterans, police, and fire from the community who continues to give. ►**VOTE: Yes-9, No-0, Absent-0.**

*o.* ***Resolution 25-22: Expenditure Limits for FY2026 on Departmental Revolving Funds Established by Franklin Town Code Chapter 73, as Provided in MGL Chapter 44, Section 53E½, as Amended (Motion to Approve Resolution 25-22 - Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-22: Expenditure Limits for FY2026 on Departmental Revolving Funds Established by Franklin Town Code Chapter 73, as Provided in MGL Chapter 44, Section 53E½,

as Amended by **Dellorco. SECOND** by **Hamblen. Discussion**: ►Mr. Hellen said by statute we have to reauthorize these each year. There are no limit changes and no category changes. ►Councilor Cormier-Leger asked if these are all funds that people make donations to. ►Mr. Cerel said they go into existing programs where there is money coming in and money going out; otherwise, the money would go into general revenue and not be appropriated back. This is supposed to be a streamlined mechanism. ►Mr. Hellen explained that most of these are fees, and costs come out of that so it is self-sustaining. ►Councilor Cormier-Leger asked why are only these five accounts listed. ►Mr. Hellen explained a lot of communities have fragmented revolving fee structures. Most of our revenues go into the general fund; but these accounts were set up prior to when he got here, and there was logic at that time over these. He said it does make it a little easier for the departments to have the revenue come in for that fee and then go out. It is more efficient. ►Ms. Kerri Bertone, CFO, said the Town Council just approved a new revolving fund tonight. She said on June 18 she will have to do this again just for that revolving fund. ►Mr. Cerel said the limits are not even set in stone. There is a mechanism for increasing them for a particular department. ►Councilor Jones asked where is 735A. ►Mr. Hellen said probably at one point in history it got repealed. ►**VOTE: Yes-9, No-0, Absent-0.**

**TOWN ADMINISTRATOR'S REPORT:** ►Mr. Hellen thanked all for everyone's work on the budget discussions and budget despite the election outcome. He thanked all the advocates and the people who put their time in. He said in moving forward, there needs to be a go forward strategy. He thinks the Joint Budget Subcommittee is it. For those who are unaware of the reforms done, we have reformed virtually every department in this organization in the last five or six years. He implored people to read the budget narratives. He thanked the School Committee, superintendent, and their staff for their partnership and leadership. They have done an amazing job over the past years. He talked about COLA equity. He said MOUs have been exercised with all the collective bargaining units. He said he gives the school committee and staff credit after what happened a few years ago. He said he gives the teachers unions and all the unions credit. He said they are going to learn a lot from what happened this year. We learned all staff are committed to working well together and trying to manage costs and also achieve the goals of the community. He thanked them for dealing with him, meeting with him, and working with him. He noted the benefits of working together in the same building with the school superintendent. He said despite being disappointed with the election outcome, he wants to assure everyone that we are going to be okay. He hopes everyone can keep the optimism. He said we have the ability to move forward despite the challenges.

**SUBCOMMITTEE REPORTS:**

a. **Capital Budget Subcommittee.** ►None.
b. **Economic Development Subcommittee.** ►None.
c. **Joint Budget Subcommittee.** ►None.
d. **Police Station Building Committee.** ►None.
e. **GATRA Advisory Board.** ►None.

**FUTURE AGENDA ITEMS:** ►Councilor Sheridan asked if they can discuss the time limits for meetings. ►Councilor Frongillo said the Franklin Food Pantry has expanded their services and offerings. He would like them to come before the Town Council again. ►Councilor Dellorco said he agrees with Councilor Frongillo about the food pantry.

**COUNCIL COMMENTS:** ►Councilor Frongillo said Porchfest is this Saturday and the Strawberry Stroll is next Friday. ►Councilor Hamblen thanked all who have been involved in this crazy budget season. She wants people to think about how to move forward. She said the Farmers Market starts Friday. She said we should love each other better. ►Councilor Cormier-Leger thanked all and the leadership team of One Franklin for all their work on this issue. He gave condolences to the Patel family for their loss. He thanked all who came out to the Pride flag raising ceremony at Town Hall. ►Councilor Chandler thanked everyone who put time and effort into the override. He said he is sorry for the people and the families who were laid off tonight. ►Councilor Pellegri thanked all as it was a long season and they put in extra hours and she

appreciates it. She said she is sorry for the Patel family for the horrible tragedy. She said it was also a tragedy for the Blanchard family, and we have to pray for both families. ►Councilor Jones thanked all who worked so hard on making everything work and trying to get the message out to get the yes vote. He said we can make this work. ►Councilor Dellorco thanked everyone and said it is never easy to lay people off. He said moving forward he thinks we need more than the Joint Budget Subcommittee to get more of the word out as we would have won if we got more people out there. ►Chair Mercer thanked the entire team. He said we are one group. He said we are one community and we need to work together for the future of our community. He said we will move forward.

**ADJOURN: ►MOTION** to **Adjourn** by **Dellorco. SECOND** by **Hamblen. No Discussion. ►VOTE: Yes-9, No-0, Absent-0.**

**Meeting adjourned at 11:04 PM.**

Respectfully submitted,

Judith Lizardi
Recording Secretary

**FRANKLIN TOWN COUNCIL**
**MINUTES OF MEETING**
**June 18, 2025**

A meeting of the Town Council was held on Wednesday, June 18, 2025, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA. Councilors present: Brian Chandler, Theodore Cormier-Leger, Robert Dellorco, Cobi Frongillo, Melanie Hamblen, Glenn Jones, Thomas Mercer, Deborah Pellegri, Patrick Sheridan. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Amy Frigulietti, Deputy Town Administrator; Mark Cerel, Town Attorney.

**CALL TO ORDER:** ►Chair Mercer called the meeting to order at 7:00 PM. Chair Mercer called for a moment of silence. All recited the Pledge of Allegiance.

**ANNOUNCEMENTS FROM THE CHAIR:** ►Chair Mercer reviewed the following as posted on the agenda. A Note to Residents: All citizens are welcome to attend public meetings in person. To view the live meeting remotely, citizens are encouraged to watch the live stream on the Franklin Town Hall TV YouTube channel or the live broadcast on Comcast channel 9 and Verizon channel 29. Meetings are also archived by Franklin TV on the Franklin Town Hall TV YouTube channel and shown on repeat on Comcast channel 9 and Verizon channel 29 for those who miss the live meeting. To listen to the meeting remotely, citizens may call-in using the provided number. This will not permit participation in the meeting. To participate in the meeting remotely, citizens are able to join a Zoom webinar using the information provided on the agenda. Any participants who wish to speak during the webinar must enter their full name and email address when joining the webinar. All participants will be automatically muted upon joining the webinar. In order to speak, participants who have entered full name and email address will need to select the "raise hand" function to request to be unmuted. All speakers will be required to state their full name and street address before commenting. ►Chair Mercer announced Councilor Cormier-Leger will be a little late to the meeting tonight. ►Chair Mercer announced upcoming events. He said the Franklin Municipal Building will be closed tomorrow, June 19, in observance of Juneteenth. Regular business hours will resume on Friday, June 20. The Franklin Farmers Market is taking place on Friday, June 20 on the Town Common; the event runs every Friday through October from 2 PM to 6 PM. The 43rd Franklin Fourth of July celebration will take place Wednesday, July 2 through Sunday, July 6 on the Town Common. Fireworks will take place on Saturday, July 5 at the Franklin High School. Friday, June 27 kicks off Franklin's 2025 Concerts on the Common. He reviewed there will be two performances this Friday: 3 PM to 5 PM and 5:30 PM to 6:30 PM. ►Fire Chief James McLaughlin read aloud a memo from himself to Town Administrator Jamie Hellen dated today giving notice of his retirement as chief of the fire department effective on or before October 1, 2025. He noted his thankfulness for having the opportunity to lead a great fire department and reviewed the milestones achieved. He said a great accomplishment has been that there have been no fire related fatalities or serious injury to civilians or personnel in recent years. He thanked Mr. Hellen, the Town Council, and residents for their support.

**APPROVAL OF MINUTES:** ►***May 22, 2025.*** ►**MOTION** to **Approve** the May 22, 2025 meeting minutes by **Dellorco. SECOND** by **Hamblen. No discussion**. ►**VOTE: Yes-8, No-0, Absent-1. (Councilor Cormier-Leger was not in attendance.)**

**CITIZEN COMMENTS:** ►Mr. Mark Minnichelli, 31 Longfellow Drive, thanked all for the countless hours and energy they give to the town. He said in a previous meeting he asked that the Town Council review the subsidized housing inventory (SHI) and suggested they develop a targeted level of SHI rather than simply being only concerned that Franklin meets the minimum 10 percent set by the Commonwealth. He said Chair Mercer agreed to add this topic to an upcoming meeting agenda. He said tonight he would like to propose an idea for consideration on this topic. He said the Commonwealth requires most communities meet or exceed 10 percent of units to be on the subsidized housing inventory. Franklin has already exceeded. He explained how the SHI number is calculated. He said the current calculation for Franklin of 10.86 percent does not

mean 10.86 percent of units in Frankin are affordable or income restricted. His proposal is that Franklin have a new metric or target for the town which would be the actual number of units by counting only the number of units affordable in each rental project rather than the total number of units. He said they should start by setting this new metric of housing inventory to 10 percent. ►Mr. Alan Earls, 23 Marvin Avenue and chair of the Franklin Historical Commission, said he was here to mention that next Wednesday, June 25, is the 75th anniversary of the start of the Korean War which took in many Franklin residents. He said the Historical Commission has a pop-up exhibit in the lobby, and next week they hope to have a small ceremony for some of the veterans. He just wants to make people aware of this. Secondly, they do not have a program for Juneteenth, but they are talking to people, and next year we will because it is an important holiday to be thoughtful about.

**PROCLAMATIONS/RECOGNITIONS**: ►***Proclamation & Performance: Electric Youth.*** ►Franklin School of the Performing Arts Director Raye Lynn Mercer said they are happy to be here for their annual audience with the Town Council. She said Electric Youth is getting ready to leave for Europe one week from tonight for a 3.5-week concert tour with 13 concerts through Italy, Hungary, and Austria. She said the group worked very hard. The members of Electric Youth introduced themselves. Ms. Mercer said when they travel, they go with an eight-piece band. The whole show can be seen at The Blackbox tomorrow night and Friday night. She said they will be on the Town Common for Concerts on the Common when they return from travelling. She said they will be releasing their a cappella single tomorrow night. She said the song thanks the communities where they travel. ►Chair Mercer read aloud a proclamation honoring Electric Youth on the occasion of their 2025 European tour.

***Chair Mercer called a two-minute recess.***

**APPOINTMENTS**: ►***Council on Aging - Elizabeth Sawyer***. ►Councilor Jones read the appointment. ►**MOTION** to ratify the appointment by the Town Administrator of Elizabeth Sawyer to serve as a Member of the Council on Aging with a term to expire on June 30, 2026 by **Jones. SECOND** by **Dellorco. Discussion**: ►Mr. Hellen explained Ms. Sawyer is here and most everyone knows her. ►Town Council members said thank you. ►**VOTE: Yes-8, No-0, Absent-1. (Councilor Cormier-Leger was not in attendance.)**

►***Disability Commission - Cheryl Fisher.*** ►Councilor Jones read the appointment. ►**MOTION** to ratify the appointment by the Town Administrator of Cheryl Fisher to serve as a Member of the Disability Commission with a term to expire on June 30, 2025 by **Jones. SECOND** by **Dellorco. Discussion**: ►Mr. Hellen said Ms. Fisher will be a fantastic advocate, and they are grateful for her stepping up to the plate. ►**VOTE: Yes-8, No-0, Absent-1. (Councilor Cormier-Leger was not in attendance.)**

Chair Mercer thanked both Ms. Sawyer and Ms. Fisher for giving of their time to these committees.

**PUBLIC HEARINGS - 7:00 PM:** ►None.

**LICENSE TRANSACTIONS:** ►***Farmer-Winery Farmers Market License - La Cantina Winery.*** ►Councilor Jones read the license transaction. ►**MOTION** to **Approve** the issuance of a Farmer-Winery, Farmer's Market License to Robert Vozzella, La Cantina Winery Company by **Jones. SECOND** by **Dellorco**. **Discussion**: ►Chair Mercer noted Mr. Vozzella was on Zoom. ►Mr. Hellen said this is the standard annual approval required by the state. In response to Councilor Pellegri's question, he said the bottles sold are not allowed to be open; they can do a tasting for a 1 oz. cup. ►**VOTE: Yes-8, No-0, Absent-1.**

**PRESENTATIONS / DISCUSSION:** ►***Presentation: Polco National Community Survey Results - Sonya Wytinck, Executive Vice-President of Data & Insights with Polco/National Research Center with Kate Hinckley, Director of GIS and Jamie Hellen, Town Administrator.*** ►Mr. Hellen noted information from his

memo to the Town Council dated June 11, 2025, provided in the meeting packet. Information in the memo included that Franklin conducted the National Community Survey (NCS) earlier this year. A consultant from Polco/National Research Center will give a comprehensive presentation and discussion on the results. The data presented in the final Report of Results demonstrates that overall, residents are very happy in Franklin and enjoy an exceptional quality of life. It also provides insight into the areas that residents feel there is room for improvement. Although the survey cannot possibly address every question or issue that exists within the Franklin community, it provides valuable data to incorporate into future policy discussions and strategic planning. A few noteworthy points are as follows: This survey was 100 percent funded through a federal ARPA grant; zero dollars were spent out of the Town's budget; Franklin's random sample study yielded a 20 percent return rate which is double the standard expectation of 10 percent; and the NCS has been a Town Council goal for four years, and we are now able to check this off the list. ►Ms. Wytinck narrated a slideshow presentation about the National Research Center (NRC) and the results of the survey. She thanked those that helped on the survey. She reviewed that Polco provides tools local governments use to empower resident voices. She said the National Research Center is the research arm of Polco. She said this is her 20th year with this group doing important performance measurement work. She said they work with a lot of local governments. She explained ways survey results are used. She said she hopes the findings will add context to the town's work. She discussed the standardized five-page comprehensive survey used to assess residents' opinion about their community and local government. The survey questions are categorized into 10 facets of community livability. It provides a wholistic picture of Franklin from the perspective of residents. She reviewed how the survey was conducted and explained they select the sample without bias. She said all Franklin households were eligible. She said 5,000 were randomly selected, and they received two mailings beginning on January 8. The survey was open for six weeks. The survey could be responded to by mail or online. The survey was available in several languages. She reviewed that 973 surveys were received providing a 20 percent response rate. She discussed there was also an open-participation online survey that was publicized and open to all residents; 523 responses were received which is a great response. She said the results in this presentation and the report are based on the 973 random sample responses. She said the information in Franklin's survey can be compared to other communities in their database. She reviewed the list of other Massachusetts communities for which they have data. She reviewed the results from the National Community Survey Report of Results 2025 for Franklin, MA, provided in the meeting packet. She explained the questions were asked on a four-point scale, but for ease of the presentation only the percent of positive are shown on the presentation slides. She discussed facets of community livability for quality and noted safety is the highest rating and is well above the benchmark. She said both quality and importance of each of the facets is asked, and they use those answers to create a quality importance matrix. She reviewed the balancing quality and importance chart. She said this shows economy has the largest gap and should potentially be a focus of attention. She highlighted key findings in the report which is provided in the meeting packet. She reviewed that the majority of residents enjoy a high quality of life in Franklin. About 8 in 10 residents gave excellent or good ratings to Franklin as a place to live and a place to retire. Most residents feel a strong senses of safety in Franklin with ratings surpassing the national benchmark. She said while residents value Franklin's economy, several aspects present opportunities for growth such as employment opportunities and cost of living. Franklin residents gave good marks to the environment including air quality, recycling, and yard waste pick up. Mobility earned mixed ratings with clear room for improvement. Ease of travel by car was the highest rating while ratings for travel by public transportation were lower. She said snow removal was rated good. She said governance ratings remain on par with the national average amidst a nationwide decline. She noted treating residents fairly and with respect was at 67 percent, and the overall direction that Franklin is taking is at 38 percent. She reviewed additional special topics that Franklin included as custom questions on the survey which are shown in the report provided in the meeting packet. Some highlights include that affordability is ranked as the highest housing priority with 65 percent of residents identifying it as a high priority for future housing development. She said for considering future development in Franklin, single-family homes were the top choice at 82 percent, multi-family homes at 45 percent, and accessory dwelling units at 35 percent was the lowest priority among the options. She reviewed that the public schools also received good ratings. She said that overall, Franklin is a great place to live, people feel safe, and they love the area. There are some transportation challenges and some economic

concerns. ►Ms. Hinckley narrated a slideshow presentation. She said they had an exceptional response rate, this provides a snapshot of defined feelings and opinions, and it shows an incredibility high quality of life metrics. As shown on the slides, she reviewed information including, but not limited to, that residents in Franklin share the frustrations and concerns of the majority of the country regarding access and affordability to mental health care, childcare, housing cost, cost of living, and trust in government. She reviewed that 99 percent of residents rate the overall quality of life in Franklin as excellent, good, or fair. She reviewed areas of improvement and investment including communication, honesty, transparency, overall direction, housing, mobility, economy, and schools. She reviewed that the town's website is packed with information, but questioned how do we make it more accessible and easier to consume for residents. She reviewed that 9 in 10 respondents positively rated their neighborhood as a positive place to live, still, there are several components of community design showing opportunities to improve such as availability of affordable housing, land use, planning, and well-planned residential growth. She reviewed mobility and the economy are two areas which residents of Franklin have concerns including the overall condition of roadways and street repairs, ease of travel by public transportation, and overall economic health of Franklin. She reviewed that Franklin services are beloved including Franklin is a great place to live, public safety, and natural environment. She said there is deep pride and community support for education, library, and raising children and community. She reviewed the response rate to all custom questions as stated in the report which is provided in the meeting packet. She reviewed what does this all mean. She said there is a division within the Town for the vision of Franklin's future and how to get there. She reviewed there is a deeply ingrained history in New England, and division and debate are part of our roots. As shown on the slides, she reviewed modern challenges and that there is a need to increase engagement. She said her final thoughts are that Franklin is divided, but there is also an overwhelmingly high opinion of Franklin as a place to live, overall quality of life, high quality of services provided by the Town, and overall customer service by the Town. ►Ms. Wytinck reviewed next steps include keeping engaged with community members. She explained how the Town can continue to engage with residents through Polco. She explained there is also a lot of other data that they have for tracking Franklin's data that can be looked at through Polco. She reviewed additional surveys that Polco offers. ►Town Council members asked question, made comments, noted concerns with questions, and thanked the presenters. ►In response to questions, Ms. Wytinck explained what the national benchmark is and where it comes from. She said it is the average of the 500 communities they use, and it is if you are within 10 points of that in either direction. Regarding who responded and the weighting that they did, she said with 973 respondents, you have enough to weight the smaller demographics to their proper proportions. She said cross cuts were done. She said with the online reports you can take any question by any demographic and see the crosstabs. ►Ms. Hinckley said it is on the NCS website, and there is a link to it. She said that the raw data is available. ►Ms. Wytinck explained that for the data, anything that is personally identifiable is removed. She noted there would be different results if you did not statistically weight it. She explained this was a needs assessment and not asking people to prescribe a solution. She said follow up surveys may be a better place for that. ►Ms. Hinckley confirmed that 25 percent of people get their news from digital or social media. Regarding benchmarks, she explained that a town would not be compared to just one other city or town. She said they can do customized benchmarks where they can customize region or population bands to compare Franklin to another community. She reviewed how the questions were asked on the survey. In response to the Town being divided, Ms. Hinckley said to have a positive and fruitful community is to have empathy and to be curious and not judgmental and to ask questions. ►Chair Mercer said this Town Council has done a good job in the last year of trying to get as much information out as we possibly can to as many residents as we could at the time. It is still very concerning to him that the response number is 973 as there are 34,000 people in the town and 24,000 voters in town. He asked how do we get to more of them and what other tools do we have to get to them with factual information. He said he also looks for more ways to get to more of the community. He said we have public meetings, joint meetings, try to engage the community, and provide factual information. He asked how else can we do it and what are the ways to engage the community and get them information. He said we need to continue to reach out the residents and provide factual information as what is on Facebook is not always fact. ►Mr. Steve Sherlock, 13 Magnolia Drive, Community Information Director for Franklin Matters, Franklin Public Radio, commented that he likes the 38 percent, but it does not jibe with the unofficial survey done this year, and half the people do not know we have a TV station never

mind a radio station. So, 38 percent watching a meeting is impressive. He asked what is next after this survey. ►Chair Mercer said this is a starting point, and it was funded outside of the budget. He said they need time to digest a lot of this report as there is a lot of information in there. He said maybe in the fall we bring it back in and talk a little further about the information in the survey and talk about what is the timeframe and number of years before you go out again with a survey. ►Mr. Mark Minnichelli, 31 Longfellow Drive, said that it was noted that there was both a statistical survey and then the additional survey that was done for those who wanted to give feedback. He asked how do you recommend that information be used. ►Ms. Wytinck explained that they call that the open participation survey because it is open for anyone to participate. She said they generally look at it as those are people who are generally more so engaged. She said they generally look at it and compare the two survey results and see if there is a more actively engaged group and what do they think as a generally more engaged group. She said you can check to see if those loud voices are representative to the community as a whole or a smaller group of people. ►Chair Mercer thanked the presenters for a great presentation.

**LEGISLATION FOR ACTION:**
**Note:** Two-Thirds Vote requires six votes; Majority Vote requires majority of members present and voting.

a. ***Resolution 25-38: Establishment of Franklin's 250th Anniversary Celebration Committee (Motion to Approve Resolution 25-38 - Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-38: Establishment of Franklin's 250th Anniversary Celebration Committee by **Dellorco. SECOND** by **Hamblen. Discussion**: ►Mr. Hellen reviewed information from his memo to the Town Council dated June 11, 2025, which is provided in the meeting packet reviewing the establishment of Franklin's 250th anniversary celebration committee. He noted that this is a goal for the Town Council. He noted this is a first draft. He said they reviewed information from surrounding towns regarding their anniversaries. He discussed engaging groups and communities including Dean College who has been here for 150 years. He said he wants to be clear, how the Town Council decides on how to make the appointments is far less important than who gets appointed. He said the committee itself has to be people willing to do the work. He noted an example of a similar committee in Hopkinton and that it did not work out. He said this is only 2.5 years in advance and this will take time. He explained that the committee needs to define the level of work. He said there are a lot of decisions to be made. He said the right people need to apply to be willing to do the work. If it is done right, it will be something to be very proud of. ►Councilor Jones said based on his experience with a 13-member Master Plan Committee, it was challenging to set meetings and a schedule and a goal. He suggested dropping this to 11 people rather than 13. He suggested adding in a liaison to the Town Council. ►Chair Mercer said the person from the Town Council would be an at-large member. He said they came up with 13 people because with the amount of work needing to be done, you need the people to do it. ►**VOTE: Yes-8, No-0, Absent-1.**

b. ***Resolution 25-39: FY25 Budget Transfers (Motion to Approve Resolution 25-39 - Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-39: FY25 Budget Transfers by **Dellorco. SECOND** by **Hamblen. Discussion**: ►Mr. Hellen said this is to close out the FY25 budget; it has nothing to do with the budget deliberations that just went on. He said every year for the last five or six years, the amount of money that has to be transferred to cover a deficit has gotten lower and lower. He said the department heads and staff manage their money very well. He noted Norfolk Aggie had a few more students, so they have to cover that. He explained the $25,000 for the Recreation Department is adjustment to enrollment in a program. He explained salary money available from the Treasurer/Collector Department will be used to make the transfers to the other two accounts. **VOTE: Yes-8, No-0, Absent-1.**

c. ***Resolution 25-40: Increased Expenditure Limits for FY2026 on Certain Departmental Revolving Funds Established by Franklin Town Code Chapter 73, As Provided in MGL Chapter 44, Section 53 1/2, As Amended (Motion to Approve Resolution 25-40 - Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-40: Increased Expenditure Limits for FY2026 on

Certain Departmental Revolving Funds Established by Franklin Town Code Chapter 73, As Provided in MGL Chapter 44, Section 53 1/2, As Amended by **Dellorco. SECOND** by **Hamblen. Discussion**: ►Mr. Hellen reviewed information in his memo to the Town Council dated June 11, 2025. The memo outlined that MGL Chapter 44 §53E½ requires that we set the expenditure limit for each revolving fund established under Franklin Town Code, Chapter 73 annually. We did this with Resolution 25-22 on June 4th, but have since determined that we need to increase the expenditure limits for two departmental revolving funds as specified. Section 5B., Senior Center Activities Program: Increase from $125,000 to $200,000. Section 5C., Senior Center Supportive Day Program: Increase from $100,000 to $150,000. The Senior Center continues to grow in popularity with strong participation in its wide range of activities and programs. With $185,500 in revenue generated in FY25, we are well-positioned to support this increase. At the same time, the demand for the Supportive Day program has increased, and it is important to ensure that expenditure limits align with this rising need. ►**VOTE: Yes-8, No-0, Absent-1.**

*d.* ***Resolution 25-41: Acceptance of Gifts - Senior Center ($95) (Motion to Approve Resolution 25-41 - Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-41: Acceptance of Gifts - Senior Center ($95) by **Dellorco. SECOND** by **Hamblen. Discussion**: ►Chair Mercer gave a big thank you to those continuing to support not only the Senior Center but all of the other departments within the community. ►**VOTE: Yes-8, No-0, Absent-1.**

**TOWN ADMINISTRATOR'S REPORT:** ►Mr. Hellen recognized Public Health Director Cathy Liberty who received the Massachusetts Environmental Health Association President's Award this year. He said she won her award for her public outreach and education. He noted Ms. Liberty is getting hundreds of people at the clinics and health fairs that she is doing. He applauded Kate Hinckley who received her Massachusetts Municipal Association certificate in local government leadership and management from Suffolk University. He congratulated Jalen Samuels, the local resident they hired as a Franklin police officer, who is expected to graduate from the Boylston Police Academy. He noted the new Franklin Fire Department ladder truck. He said one of the reasons people feel safe is the fire department and this truck. He noted the 58-month turnaround time and said now people of Franklin for a generation do not have to worry about the ladder truck, and people can continue to feel safe. He thanked those involved in the great Strawberry Stroll. He noted the Habitat for Humanity event that took place at 5 PM prior to this Town Council meeting. He noted that many people thought that the old building should be knocked over, but they did not sell off that piece of property. He hopes everyone is appreciative of preserving the local character with this project. He congratulated all involved who supported this project. He said that hopefully by fall we will know of a Franklin family that can habitat that unit. He said he learned that any parcel that goes to a family with Habitat for Humanity is required to put in 250 hours of sweat equity into the actual building themselves. He congratulated all in the community for this project, and he thanked Mr. Cerel for his legal work on this project. He congratulated Fire Chief James McLaughlin on his retirement. He noted that six years ago when we nominated him as the fire chief, Chief McLaughlin was given a clear set of directives. He said Chief McLaughlin had that plan completed in 12 months. He said when we post for his replacement, we are posting an internal only posting. He said we have a great police and fire department.

**SUBCOMMITTEE REPORTS:**

a. **Capital Budget Subcommittee.** ►None.
b. **Economic Development Subcommittee.** ►None.
c. **Joint Budget Subcommittee.** ►None.
d. **Police Station Building Committee.** ►None.
e. **GATRA Advisory Board.** ►Councilor Frongillo said they approved their FY26 budget. He said there are a whole bunch of unknowns both in the state funding and federal funding.

**FUTURE AGENDA ITEMS:** ►Councilor Sheridan said he would like to start looking into forming a historical commission for the historical district. ►Mr. Hellen confirmed it was a recommendation in the Master Plan also. ►Councilor Frongillo said the idea as discussed by Mr. Mark Minnichelli of an actual

affordable housing inventory and target is a fantastic idea for the community, and he would like to discuss that this summer.

**COUNCIL COMMENTS:** ►Councilor Frongillo said his main comment is extreme gratitude and a sense of loss of the chief that caught him by surprise; he has stood out as a great leader, and his loss will be felt. ►Councilor Hamblen said she is crying over what Councilor Frongillo said, and she will miss the chief. It is amazing what he has done. She thanked the Old Colony Habitat for Humanity for the groundbreaking. She said it was a wonderful moment, and she is excited about that. She reminded all of the Farmers Markets on Fridays. ►Councilor Cormier-Leger said he apologized for being late but wanted to get here for at least the second half of the meeting. ►Councilor Chandler thanked all those who came out to support the collective bargaining contracts tonight. He said Mr. Hellen scored a touchdown when he hired Chief McLaughlin. He noted that this Town Council only has six more meetings before the new Town Council comes in. ►Councilor Pellegri said she was shocked to hear about Chief McLaughlin. She wished him the best. She said she is pleased about the resolution for the 250th celebration for the town as they do need time beforehand. ►Councilor Jones said he has loved working with Chief McLaughlin over the years. He said he has spoken with many people who work at the fire station, and there has been much positive feedback, and that had not always been there in the past. He said there is a sense of positively that Chief McLaughlin brought, and he thanks the chief for that. He thanked the chief for all his hard work in making the community better. He noted congratulations to Electric Youth going to Europe. He noted a play in Hopkinton. He said the show is a local community theater group for people of all ages. He said the woman who plays Judy Garland gives a great performance, and he wanted to promote the show. He said it would be great to get a cultural center a lot like the one in Hopkinton. He said the Strawberry Stroll was great. ►Councilor Dellorco noted the chief is a good friend, and he did a great job. He gave condolences to the family of former Franklin resident Richard Koenig. ►Chair Mercer thanked Ms. Hinckley and Ms. Wytinck for their work on the survey. He congratulated the Downtown Partnership for the great Strawberry Stroll. He congratulated Chief McLaughlin on his upcoming retirement. He said he has turned the department around. He thanked him for all he has done. ►Councilor Sheridan thanked Chief McLaughlin. He said the old church was great. ►Councilor Jones noted the last eighth grade at Annie Sullivan school had their official graduation this weekend.

**EXECUTIVE SESSION:** ►***Exemption #3: Collective Bargaining (all Town unions) - To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the Chair so declares.***

►Chair Mercer stated there is a need for an executive session for Exemption #3: Collective Bargaining (all Town unions) - To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the Chair so declares. ►**MOTION** to **Enter** into executive session for Exemption #3: Collective Bargaining (all Town unions) - To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the Chair so declares and we will return to open session by **Jones. SECOND** by **Dellorco. No Discussion**. ►**ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES.** ►**VOTE: Yes-9, No-0, Absent-0.**

***Open Session ended and Executive Session began at 9:28 PM.***

***Open Session resumed at 9:44 PM***

**RETURN TO OPEN SESSION:**

**a.** ***Resolution 25-42: Ratification of the Memorandum of Agreement Between the Town of Franklin and the Library Union - Franklin Public Library Staff Association, Massachusetts Library Staff***

***Association (MLSA), Local 4298, American Federation of Teachers (AFT), AFT Massachusetts (AFL-CIO) (Motion to approve Resolution 25-42 - Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-42: Ratification of the Memorandum of Agreement Between the Town of Franklin and the Library Union - Franklin Public Library Staff Association, Massachusetts Library Staff Association (MLSA), Local 4298, American Federation of Teachers (AFT), AFT Massachusetts (AFL-CIO) by **Dellorco. SECOND** by **Hamblen. No discussion**. ►**VOTE: Yes-9, No-0, Absent-0.**

**b.** ***Resolution 25-43: Ratification of the Memorandum of Agreement Between the Town of Franklin and the DPW Union - AFSCME, AFL-CIO, Local 1298, Department of Public Works (Motion to approve Resolution 25-43 - Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-43: Ratification of the Memorandum of Agreement Between the Town of Franklin and the DPW Union - AFSCME, AFL-CIO, Local 1298, Department of Public Works by **Dellorco. SECOND** by **Hamblen. Discussion**: ►Mr. Hellen said these are all the collective bargaining agreements that have been signed with the memorandums of understanding with each of the unions. This does codify the 2.5 percent COLA for each of the seven unions over each of the three years which we talked about during some of the budget meetings. He said all of the collective bargaining agreements are on the Human Resources website, and once these are all ratified and done with the paperwork and formatting, we will post all of these contracts publicly probably over the summer. He noted that the school FEA unit, the teachers, ratified their COLA at 2.5 percent over three years last week, and it was voted publicly. He said there is COLA equity among all the unions. ►**VOTE: Yes-9, No-0, Absent-0.**

**c.** ***Resolution 25-44: Ratification of the Memorandum of Agreement Between the Town of Franklin and the Custodians Union - AFSCME, AFL-CIO, Local 1298, Custodians (Motion to approve Resolution 25-44 - Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-44: Ratification of the Memorandum of Agreement Between the Town of Franklin and the Custodians Union - AFSCME, AFL-CIO, Local 1298, Custodians by **Dellorco. SECOND** by **Hamblen. No discussion**. ►**VOTE: Yes-9, No-0, Absent-0.**

**d.** ***Resolution 25-45: Ratification of the Memorandum of Agreement Between the Town of Franklin and the Public Facilities Union - AFSCME, AFL-CIO, Local 1298, Public Facilities Employees (Motion to approve Resolution 25-45 - Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-45: Ratification of the Memorandum of Agreement Between the Town of Franklin and the Public Facilities Union - AFSCME, AFL-CIO, Local 1298, Public Facilities Employees by **Dellorco. SECOND** by **Hamblen. No discussion**. ►**VOTE: Yes-9, No-0, Absent-0.**

**e.** ***Resolution 25-46: Ratification of the Memorandum of Agreement Between the Town of Franklin and the Professional Firefighters of Franklin - International Association of Firefighters, Local 2637 (Motion to approve Resolution 25-46 - Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-46: Ratification of the Memorandum of Agreement Between the Town of Franklin and the Professional Firefighters of Franklin - International Association of Firefighters, Local 2637 by **Dellorco. SECOND** by **Hamblen. Discussion:** ►Councilor Cormier-Leger said he wanted to state that he heard from a paramedic who wanted to clarify from him that we have firefighters in Franklin not firemen. He said he apologizes for any times that he has referred to them as firemen, and he will be more careful in the future. ►**VOTE: Yes-9, No-0, Absent-0.**

**f.** ***Resolution 25-47: Ratification of the Memorandum of Agreement Between the Town of Franklin and the Franklin Police Association (Motion to approve Resolution 25-47 - Majority Vote).*** ►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-47: Ratification of the Memorandum of Agreement Between the Town of Franklin and the Franklin Police Association by **Dellorco. SECOND** by **Hamblen. No discussion**. ►**VOTE: Yes-9, No-0, Absent-0.**

***g. Resolution 25-48: Ratification of the Memorandum of Agreement Between the Town of Franklin and the Franklin Police Sergeants Union (Motion to approve Resolution 25-48 - Majority Vote).***
►Councilor Jones read the resolution. ►**MOTION** to **Approve** Resolution 25-48: Ratification of the Memorandum of Agreement Between the Town of Franklin and the Franklin Police Sergeants Union by **Dellorco. SECOND** by **Hamblen. No discussion**. ►**VOTE: Yes-9, No-0, Absent-0.**

Chair Mercer thanked the administration, administrative teams, department heads, local union teams, and negotiating teams from both sides for a good season and the hard work it took to bring all these ratifications together.

**ADJOURN: ►MOTION** to **Adjourn** by **Dellorco. SECOND** by **Hamblen. No Discussion. ►VOTE: Yes-9, No-0, Absent-0.**

**Meeting adjourned at 9:57 PM.**

Respectfully submitted,

Judith Lizardi
Recording Secretary

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352

Phone: (508) 520-4949
www.franklinma.gov

Office of the Town Administrator

July 18, 2025

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

**Re: Annual Reappointments of Boards and Committees**

---

The Council will consider annual reappointments of board & committee members whose terms expired at the end of June. Committee appointments take effect after tonight's ratification, an oath of office with the Town Clerk and compliance with state ethics training and paperwork.

Of the forty-three members with expiring terms, thirty-three (33) will be renewing. In addition to the reappointments there are several new members being appointed to boards & committees as follows:

- Design Review Commission
  - Priya Natarajan will transition from an Associate to a Full Member, with a term to expire June 30, 2028.

- Finance Committee
  - John Barnes with a term to expire June 30, 2028
  - Ryan Lavorgna with a term to expire June 30, 2028
  - Shannon Nealon with a term to expire June 30, 2028

Volunteer forms for all new members are included in the agenda packet for the July 23, 2025 Town Council meeting. Residents can always apply to serve on the town's volunteer website here.

Further appointments will be considered for ratification at the August 13th Town Council meeting. A few remaining appointments are working through the process. It is important to note current members continue their seats until a replacement has been filled.

Please let us know if you have any questions.

# COMMITTEE APPOINTMENTS

**July 23, 2025**

The Town Administrator has appointed the following individuals to serve on Town boards and committees with terms effective July 23, 2025:

| NAME | STREET ADDRESS | TERM EXPIRATION |
|---|---|---|
| **Agricultural Commission 3-year terms (5 members)** | | |
| Matthew Stoltz | 2 Haverstock Road | June 30, 2028 |
| Marian Szymanski | 529 Pleasant Street | June 30, 2028 |
| **Board of Registrars** | | |
| Christine Manns | 18 Dover Circle | June 30, 2028 |
| **Charles River Pollution Control District 3-year term (3 members)** | | |
| David Formato | 13 Town Line Road | June 30, 2028 |
| **Conservation Commission 3-year term (7 members)** | | |
| Nicole Chiaramonte | 8 Tanglewood Dr | June 30, 2028 |
| Michael Rein | 120 Eric Drive | June 30, 2028 |
| **Council on Aging 3-year term (9 members)** | | |
| Faith Flaherty | 13 Glenn Drive | June 30, 2028 |
| Phyllis Malcolm | 37 Uncas Ave | June 30, 2028 |
| **Cultural District Committee 3-year term (7 members)** | | |
| John LoPresti | 109 Jefferson Road | June 30, 2028 |
| Pandora Carlucci | 1 Toni Lane | June 30, 2028 |
| **Cultural Council 3-year terms** | | |
| John Ristaino | 29 Washington Street | June 30, 2026 |
| **Design Review Commission 3-year term (5 members)** | | |
| Priya Natarajan (NEW FULL MEMBER) | 8 Mary Anne Dr | June 30, 2028 |
| **Disability Commission 3-year terms (7 members)** | | |
| Alison Rheaume | 47 Summer Street, Apt 1C | June 30, 2028 |
| Mary O'Neill | 102 Beaver Street | June 30, 2028 |

**Finance Committee 3-year term (9 members)**

| | | |
|---|---|---|
| John Barnes (NEW MEMBER) | 141 Hillside Rd | June 30, 2028 |
| Ryan Lavorgna (NEW MEMBER) | 58 Lenox Dr | June 30, 2028 |
| Shannon Nealon (NEW MEMBER) | 15 Russet Hill Road | June 30, 2028 |

**Historical Commission 3-Year Terms (7 Members)**

| | | |
|---|---|---|
| Janice Prentice | 126 Stone Ridge Road | June 30, 2028 |
| Randy LaRosa | 298 Main Street | June 30, 2028 |

**Housing Authority 5-year term (5 Members)**

| | | |
|---|---|---|
| Jennifer Knight Levine | 555 Pond Street | June 30, 2028 |

**Library Board of Directors 3-year terms (5 members)**

| | | |
|---|---|---|
| Alison Wallace | 53 Acorn Place | June 30, 2028 |
| Amanda Rabbit | 258 Lincoln St | June 30, 2028 |

**Municipal Affordable Housing Trust Fund Committee 1-year terms (7 members)**

| | | |
|---|---|---|
| Christopher K Feeley | 5 Taft Drive | June 30, 2026 |
| Christopher Vericker | 63 Dean Avenue | June 30, 2026 |
| Kimberly Mu-Chow | 4 Briarwood Rd | June 30, 2026 |
| Maxine Kinhart | 355 East Central Street | June 30, 2026 |
| Susan L Younis | 47 Stone Ridge Road | June 30, 2026 |

**Norfolk County Advisory Board 1-year term (1 member)**

| | | |
|---|---|---|
| Peter Padula | 14 Fort Apache Drive | June 30, 2026 |

**Recreation Advisory Board 3-year term (5 members)**

| | | |
|---|---|---|
| Larry Pollard | 155 Summer Street | June 30, 2028 |
| Mark Eccher | 34 Baron Road | June 30, 2028 |

Motion to Ratify the Annual appointments to the following boards and commissions.

---

**DATED:** _____ **, 2025**

**VOTED:** _____

**UNANIMOUS:** _____

**A TRUE RECORD ATTEST:**

**YES:** _____ **NO:** _____

**ABSTAIN:**_____ **ABSENT:** _____

**RECUSED:** _____

_____
**Nancy Danello, CMC**
**Town Clerk**

_____
**Glenn Jones, Clerk**

# Town of Franklin MA

355 East Central Street
Franklin, MA 02038
Phone: 508-520-4949


## Volunteer Form

*Good Government Starts with You!*

| | |
|---|---|
| **Date Submitted:** | February 22, 2024 |
| **Name:** | Priya Natarajan |
| **Home Address:** | 8 Mary Anne Dr<br>Franklin MA 02038 |
| **Mailing Address:** | 8 Mary Anne Dr<br>Franklin MA 02038 |
| **Phone Number(s):** | [redacted] |
| **Email Address:** | [redacted] |
| **Current Occupation/Employer:** | |
| **Narrative:** | I am available for the evening zoom meetings. I have studied architectural engineering, and have design experience. I was awarded Distinguished Young Women of Greater Franklin and I earned my college degree with high distinction and on Dean's List. I want to be a part of this committee because I was born and raised in Franklin and have a high passion for our town & community. |
| **Board(s) / Committee(s):** | ___Design Review Commission |

# Town of Franklin MA

355 East Central Street
Franklin, MA 02038
Phone: 508-520-4949


## Volunteer Form

*Good Government Starts with You!*

| | |
|---|---|
| **Date Submitted:** | May 19, 2025 |
| **Name:** | John Barnes III |
| **Home Address:** | 141 Hillside Rd<br>FRANKLIN, MA 02038 |
| **Mailing Address:** | 141 Hillside Rd<br>FRANKLIN, MA 02038 |
| **Phone Number(s):** | [redacted] |
| **Email Address:** | [redacted] |
| **Current Occupation/Employer:** | Enterprise Risk Management Consultant / Liberty Mutual Insurance |

**Narrative:** Hello,

I am writing to express interest in joining the Franklin Finance Committee. As a resident and a homeowner in Franklin, I am eager to become more involved in town government and contribute meaningfully to the community. Given my professional and educational background, I believe that I can add value to the Committee's important work.

I hold a Masters of Business Administration and have over ten years of experience in the private sector across accounting, financial planning and analysis, and enterprise risk management. Through this experience, I have built a strong understanding of financial principles, budgeting, internal controls, and governance processes. My work also requires close collaboration with cross-functional teams and communication with senior leadership, requiring translation of technical financial concepts into clear and actionable insights.

I understand that this committee features a multi-year commitment along with a more frequent meeting cadence in the first half of the year during budget season. I am fortunate to work for an employer that promotes workplace flexibility, ensuring that I would be able to meet these obligations.

I am very excited about the opportunity to serve the community and be a steward of the town's finances on behalf of its residents. I would be happy to discuss my experience and interest in greater detail at your convenience.

Sincerely,

John Barnes
141 Hillside Rd

**Board(s) / Committee(s):** ___Finance Committee

# Town of Franklin MA

355 East Central Street
Franklin, MA 02038
Phone: 508-520-4949


## Volunteer Form

*Good Government Starts with You!*

| | |
|---|---|
| **Date Submitted:** | April 12, 2024 |
| **Name:** | Ryan N Lavorgna |
| **Home Address:** | 58 Lenox Dr<br>FRANKLIN, MA 02038 |
| **Mailing Address:** | 58 Lenox Dr<br>FRANKLIN, MA 02038 |
| **Phone Number(s):** | [redacted] |
| **Email Address:** | [redacted] |
| **Current Occupation/Employer:** | Software Development Program Management |
| **Narrative:** | 3-6 hours/week<br>Financial planning, modeling, program/project planning and management.<br>bachelors in Mechanical Engineering from Notre Dame |
| **Board(s) / Committee(s):** | ___Finance Committee |

# Town of Franklin MA

355 East Central Street
Franklin, MA 02038
Phone: 508-520-4949


## Volunteer Form

*Good Government Starts with You!*

| | |
|---|---|
| **Date Submitted:** | March 24, 2025 |
| **Name:** | Shannon Nealon |
| **Home Address:** | 15 Russet Hill Road<br>Franklin MA 02038 |
| **Mailing Address:** | 15 Russet Hill Road<br>Franklin MA 02038 |
| **Phone Number(s):** | [redacted] |
| **Email Address:** | [redacted] |
| **Current Occupation/Employer:** | Attorney/Karyopharm Therapeutics, Inc. |
| **Narrative:** | I am very fortunate to have flexible job hours, as well as a very involved husband who collaborates with me on care and activities for our children. As a litigation attorney (formerly) and contracts attorney (presently) I have a breadth of knowledge and experience in effective communication and negotiation, specializing in finding compromise and common ground. My work history has also given me very thick skin, as well as an ability to meet people where they are. I have a strong background in real estate law and an understanding of laws/codes generally. I have a strong commitment to the community as a long time resident, home owner, volunteer, and parent to 3 young children. |
| **Board(s) / Committee(s):** | ___Conservation Commission<br>___Finance Committee<br>___POLICE STATION BUILDING COMMITTEE<br>___Zoning Board of Appeal |

TOWN
ADMINISTRATOR
TOWN of FRANKLIN

**NOTICE OF PUBLIC HEARING**
**FRANKLIN, MA**

**New Section 12 Restaurant All Alcoholic Beverages License**
**Kojo Asian Fusion LLC d/b/a Kojo, Located at 28 East Central Street, Franklin, MA**

The Franklin Town Council will hold a Public Hearing on an application by Kojo Asian Fusion LLC d/b/a Kojo, located at 28 East Central Street, Franklin, for a new Section 12 Restaurant All Alcoholic Beverages License.

This public hearing will take place during the Town Council Public Meeting beginning at 6:00 pm on Wednesday, July 23, 2025; there will be an opportunity for public input during the process. Location: Municipal Building, 2nd floor Council Chambers, 355 E. Central Street, Franklin, and also via the "ZOOM" platform.

Residents can visit the Town website (Franklinma.gov) town calendar to review the agenda and for up to date meeting information, on and after July 18, 2025. Please call the Town Administrator's Office at (508) 520-4949 if you require further information or to make arrangements for translation services.

Respectfully Submitted by,

Julie McCann

*The Commonwealth of Massachusetts*
*Alcoholic Beverages Control Commission*
*95 Fourth Street, Suite 3, Chelsea, MA 02150-2358*
*www.mass.gov/abcc*

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION**
**MONETARY TRANSMITTAL FORM**

**APPLICATION FOR A NEW LICENSE**

**APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.**

**ECRT CODE: RETA**

**Please make $200.00 payment here: ABCC PAYMENT WEBSITE**

**PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT**

**ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)**

**ENTITY/ LICENSEE NAME** KOJO ASIAN FUSION LLC

**ADDRESS** 28 EAST CENTRAL ST.

**CITY/TOWN** FRANKLIN **STATE** MA **ZIP CODE** 02038

For the following transactions (Check all that apply):

- [x] New License
- [ ] Transfer of License
- [ ] Change of Manager
- [ ] Change of Officers/ Directors/LLC Managers
- [ ] Change of Location
- [ ] Alteration of Licensed Premises
- [ ] Change Corporate Name
- [ ] Change of Ownership Interest (LLC Members/ LLP Partners, Trustees)
- [ ] Change of Class (i.e. Annual / Seasonal)
- [ ] Change of License Type (i.e. club / restaurant)
- [ ] Change of Category (i.e. All Alcohol/Wine, Malt)
- [ ] Issuance/Transfer of Stock/New Stockholder
- [ ] Other
- [ ] Change Corporate Structure (i.e. Corp / LLC)
- [ ] Pledge of Collateral (i.e. License/Stock)
- [ ] Management/Operating Agreement
- [ ] Change of Hours
- [ ] Change of DBA

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL:

**Alcoholic Beverages Control Commission**
**95 Fourth Street, Suite 3**
**Chelsea, MA 02150-2358**

*The Commonwealth of Massachusetts*
*Alcoholic Beverages Control Commission*
*95 Fourth Street, Suite 3, Chelsea, MA 02150-2358*
*www.mass.gov/abcc*

**APPLICATION FOR A NEW LICENSE**

Municipality: FRANKLIN

## 1. LICENSE CLASSIFICATION INFORMATION

| ON/OFF-PREMISES | TYPE | CATEGORY | CLASS |
|---|---|---|---|
| On-Premises | §12 Restaurant | All Alcoholic Beverages | Annual |

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

Applicant intends to operate an Asian fusion restaurant serving Chinese and Japanese fusion food.

Is this license application pursuant to special legislation? ○ Yes ◉ No Chapter _____ Acts of _____

## 2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name: Kojo Asian Fusion LLC FEIN: [redacted]

DBA: Kojo Manager of Record: Xiao Xia Zhang

Street Address: 28 East Central St., Franklin, MA 02038

Phone: [redacted] Email: [redacted]

Alternative Phone: _____ Website: _____

## 3. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

A certain ground floor premises located at 28 East Central St., Franklin, MA, consisting approx. 3,337 sq.ft. with fully equipped kitchen, dining room, lounge bar and restrooms, one entrance and four exits.

| | | | | | |
|---|---|---|---|---|---|
| Total Square Footage: | 3,337 sq.ft. | Number of Entrances: | 1 | Seating Capacity: | 72 |
| Number of Floors | 1 | Number of Exits: | 4 | Occupancy Number: | 72 |

## 4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name: Andrea Kor Phone: [redacted]

Title: paralegal of Coleman Law Office Email: [redacted]

## 5. CORPORATE STRUCTURE

Entity Legal Structure: LLC

Date of Incorporation: 11/25/2024

State of Incorporation: Massachusetts

Is the Corporation publicly traded? ◯ Yes ◉ No

## 6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
  **On Premises (E.g.Restaurant/ Club/Hotel) Directors or LLC Managers** - At least 50% must be US citizens;
  **Off Premises(Liquor Store) Directors or LLC Managers** - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

| Name of Principal | Residential Address | SSN | DOB |
|---|---|---|---|
| DONGDONG ZHANG | [redacted] | | |

| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen | MA Resident |
|---|---|---|---|---|
| LLC MANAGER | 50% | ◉ Yes ◯ No | ◉ Yes ◯ No | ◉ Yes ◯ No |

| Name of Principal | Residential Address | SSN | DOB |
|---|---|---|---|
| XIAO LEI ZHANG | [redacted] | | |

| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen | MA Resident |
|---|---|---|---|---|
| LLC MANAGER | 20% | ◉ Yes ◯ No | ◯ Yes ◉ No | ◉ Yes ◯ No |

| Name of Principal | Residential Address | SSN | DOB |
|---|---|---|---|
| XIAO XIA ZHANG | [redacted] | | |

| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen | MA Resident |
|---|---|---|---|---|
| LLC MANAGER / MANAGER | 30% | ◉ Yes ◯ No | ◉ Yes ◯ No | ◉ Yes ◯ No |

| Name of Principal | Residential Address | SSN | DOB |
|---|---|---|---|
| | | | |

| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen | MA Resident |
|---|---|---|---|---|
| | | ◯ Yes ◯ No | ◯ Yes ◯ No | ◯ Yes ◯ No |

| Name of Principal | Residential Address | SSN | DOB |
|---|---|---|---|
| | | | |

| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen | MA Resident |
|---|---|---|---|---|
| | | ◯ Yes ◯ No | ◯ Yes ◯ No | ◯ Yes ◯ No |

Additional pages attached? ◯ Yes ◉ No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions. ◯ Yes ◉ No

**6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☐ No ☑ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

| Name | License Type | License Name | Municipality |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

**6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☐ No ☑

If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

| Name | License Type | License Name | Municipality |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

**6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION**

Have any of the disclosed licenses listed in question 6Aor 6B ever been suspended, revoked or cancelled?

Yes ☐ No ☑ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

| Date of Action | Name of License | City | Reason for suspension, revocation or cancellation |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

## 7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises: Lease

Landlord Name: 12-36 East Central Street, LLC

Landlord Phone:

Landlord Email: [redacted]

Landlord Address: [redacted]

Lease Beginning Date: 06/01/2025

Rent per Month: $3,975.00

Lease Ending Date: 08/31/2035

Rent per Year: $47,700.00

Will the Landlord receive revenue based on percentage of alcohol sales? ○ Yes ◉ No

## 10. MANAGER APPLICATION

### A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name: XIAO XIA ZHANG  Date of Birth: [redacted]  SSN: [redacted]

Residential Address: 125 Kemper St., Quincy, MA 02170

Email: [redacted]  Phone: [redacted]

Please indicate how many hours per week you intend to be on the licensed premises: +40hrs

### B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen/Qualified Alien under the Immigration and Nationality Act? (●) Yes ( ) No

If yes, attach one of the following documents: US Passport, Voter's Certificate, Birth Certificate, Naturalization Papers, Permanent Resident Card "Green Card", or Employment Authorization Document.

Have you ever been convicted of a state, federal, or military crime? ( ) Yes (●) No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

| Date | Municipality | Charge | Disposition |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

### C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

| Start Date | End Date | Position | Employer | Supervisor Name |
|---|---|---|---|---|
| 9/2024 | 4/2025 | bartender/host | Taku Group, Inc. in Beverly, MA | Jin You Lin |
| 9/2010 | 8/2015 | bartender/host/waitress | Karma in Westford, MA | Jessic Chen |
| | | | | |
| | | | | |

### D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ( ) Yes (●) No  If yes, please fill out the table. Attach additional pages, if necessary, utilizing the format below.

| Date of Action | Name of License | State | City | Reason for suspension, revocation or cancellation |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |

*I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:*

Manager's Signature: X Xiaxia Zhang  Date: May 19, 2025

**APPLICANT'S STATEMENT**

I, XIAO XIA ZHANG (Authorized Signatory) the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☑ LLC/LLP manager

of KOJO ASIAN FUSION LLC (Name of the Entity/Corporation)

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

(1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;

(2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;

(3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;

(4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;

(5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;

(6) I understand that all statements and representations made become conditions of the license;

(7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;

(8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and

(9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

(10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: Xiao Xia Zhang Date: MAY 19, 2025

Title: LLC MANAGER

## ENTITY VOTE

The Board of Directors or LLC Managers of KOJO ASIAN FUSION LLC
Entity Name

duly voted to apply to the Licensing Authority of FRANKLIN and the
City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on MAY 1, 2025
Date of Meeting

For the following transactions (Check all that apply):

- [x] New License
- [ ] Transfer of License
- [ ] Change of Manager
- [ ] Change of Officers/ Directors/LLC Managers
- [ ] Change of Location
- [ ] Alteration of Licensed Premises
- [ ] Change Corporate Name
- [ ] Change of Ownership Interest (LLC Members/ LLP Partners, Trustees)
- [ ] Change of Class (i.e. Annual / Seasonal)
- [ ] Change of License Type (i.e. club / restaurant)
- [ ] Change of Category (i.e. All Alcohol/Wine, Malt)
- [ ] Issuance/Transfer of Stock/New Stockholder
- [ ] Other
- [ ] Change Corporate Structure (i.e. Corp / LLC)
- [ ] Pledge of Collateral (i.e. License/Stock)
- [ ] Management/Operating Agreement
- [ ] Change of Hours
- [ ] Change of DBA

"VOTED: To authorize XIAO XIA ZHANG
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint XIAO XIA ZHANG
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,

x Xiaoxia Zhang
Corporate Officer /LLC Manager Signature

Xiao Xia Zhang
(Print Name)

For Corporations ONLY
A true copy attest,

Corporation Clerk's Signature

(Print Name)

*Commonwealth of Massachusetts*
*Alcoholic Beverages Control Commission*
*95 Fourth Street, Suite 3*
*Chelsea, MA 02150*

*JEAN M. LORIZIO, ESQ.*
*CHAIRMAN*

# CORI REQUEST FORM

The Alcoholic Beverages Control Commission ("ABCC") has been certified by the Criminal History Systems Board to access conviction and pending Criminal Offender Record Information ("CORI"). For the purpose of approving each shareholder, owner, licensee or applicant for an alcoholic beverages license, I understand that a criminal record check will be conducted on me, pursuant to the above. The information below is correct to the best of my knowledge.

***ABCC LICENSE INFORMATION***

| ABCC NUMBER: (IF EXISTING LICENSEE) | | LICENSEE NAME: | KOJO ASIAN FUSION LLC | CITY/TOWN: | FRANKLIN |
|---|---|---|---|---|---|

***APPLICANT INFORMATION***

| LAST NAME: | ZHANG | FIRST NAME: | XIAO | MIDDLE NAME: | [redacted] |
|---|---|---|---|---|---|

[redacted]

***PRINT AND SIGN***

| PRINTED NAME: | XIAO LEI ZHANG | APPLICANT/EMPLOYEE SIGNATURE: | Xiaolei Zhang 05/21/2025 |
|---|---|---|---|

***NOTARY INFORMATION***

On this 05/21/2025 before me, the undersigned notary public, personally appeared XIAO LEI ZHANG (name of document signer), proved to me through satisfactory evidence of identification, which were Massachusetts driver's license to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

*NOTARY*

*DIVISION USE ONLY*

REQUESTED BY:

*SIGNATURE OF CORI AUTHORIZED EMPLOYEE*

The DCJI Identity Theft Index PIN Number is to be completed by those applicants that have been issued an Identity Theft PIN Number by the DCJI. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. **ALL CORI request forms that include this field are required to be submitted to the DCJI via mail or by fax to (617) 660-4614.**

JANICE A. PINNOCK
Notary Public, Commonwealth of Massachusetts
My Commission Expires May 13, 2027

*Commonwealth of Massachusetts*
*Alcoholic Beverages Control Commission*
*95 Fourth Street, Suite 3*
*Chelsea, MA 02150*

*JEAN M. LORIZIO, ESQ.*
*CHAIRMAN*

# CORI REQUEST FORM

The Alcoholic Beverages Control Commission ("ABCC") has been certified by the Criminal History Systems Board to access conviction and pending Criminal Offender Record Information ("CORI"). For the purpose of approving each shareholder, owner, licensee or applicant for an alcoholic beverages license, I understand that a criminal record check will be conducted on me, pursuant to the above. The information below is correct to the best of my knowledge.

***ABCC LICENSE INFORMATION***

| ABCC NUMBER: (IF EXISTING LICENSEE) | | LICENSEE NAME: | KOJO ASIAN FUSION LLC | CITY/TOWN: | FRANKLIN |
|---|---|---|---|---|---|

***APPLICANT INFORMATION***

| LAST NAME: | ZHANG | FIRST NAME: | XIAO | MIDDLE NAME: | [redacted] |
|---|---|---|---|---|---|

[redacted]

***PRINT AND SIGN***

| PRINTED NAME: | XIAO XIA ZHANG | APPLICANT/EMPLOYEE SIGNATURE: | [signature] 5/23/2025 |
|---|---|---|---|

***NOTARY INFORMATION***

On this 23ed May 2025 before me, the undersigned notary public, personally appeared XIAO XIA ZHANG (name of document signer), proved to me through satisfactory evidence of identification, which were Massachusetts driver's license to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

[signature]
*NOTARY*

*DIVISION USE ONLY*

RECORDED BY: _____
*SIGNATURE OF CORI AUTHORIZED EMPLOYEE*

The DCJI Identity Theft Index PIN Number is to be completed by those applicants that have been issued an Identity Theft PIN Number by the DCJI. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. **ALL CORI request forms that include this field are required to be submitted to the DCJI via mail or by fax to (617) 660-4614.**

JANICE A. PINNOCK
Notary Public, Commonwealth of Massachusetts
My Commission Expires May 13, 2027

*Commonwealth of Massachusetts*
*Alcoholic Beverages Control Commission*
*95 Fourth Street, Suite 3*
*Chelsea, MA 02150*

*JEAN M. LORIZIO, ESQ.*
*CHAIRMAN*

# CORI REQUEST FORM

The Alcoholic Beverages Control Commission ("ABCC") has been certified by the Criminal History Systems Board to access conviction and pending Criminal Offender Record Information ("CORI"). For the purpose of approving each shareholder, owner, licensee or applicant for an alcoholic beverages license, I understand that a criminal record check will be conducted on me, pursuant to the above. The information below is correct to the best of my knowledge.

***ABCC LICENSE INFORMATION***

| ABCC NUMBER: (IF EXISTING LICENSEE) | | LICENSEE NAME: | KOJO ASIAN FUSION LLC | CITY/TOWN: | FRANKLIN |
|---|---|---|---|---|---|

***APPLICANT INFORMATION***

| LAST NAME: | ZHANG | FIRST NAME: | DONG | MIDDLE NAME | [redacted] |
|---|---|---|---|---|---|

[redacted]

***PRINT AND SIGN***

| PRINTED NAME: | DONG DONG ZHANG | APPLICANT/EMPLOYEE SIGNATURE: | Dong Dong Zhang | 5/22/25 |
|---|---|---|---|---|

***NOTARY INFORMATION***

On this 05/22/2025 before me, the undersigned notary public, personally appeared DONG DONG ZHANG (name of document signer), proved to me through satisfactory evidence of identification, which were Massachusetts driver's license to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

*NOTARY*

*DIVISION USE ONLY*

RECEIVED BY: _____
*SIGNATURE OF CORI AUTHORIZED EMPLOYEE*

The DCJI Identity Theft Index PIN Number is to be completed by those applicants that have been issued an Identity Theft PIN Number by the DCJI. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. **ALL CORI request forms that include this field are required to be submitted to the DCJI via mail or by fax to (617) 660-4614.**

JANICE A. PINNOCK
Notary Public Commonwealth of Massachusetts
My Commission Expires May 13, 2027

TIPS® | 360 TRAINING
A 360TRAINING COMPANY

# CERTIFICATE OF COMPLETION

This certifies that

**Xiao Xia Zhang**

is awarded this certificate for

**TIPS On-Premise Alcohol Server Training**

| Hours | Completion Date | Expiration Date | Certificate # |
|---|---|---|---|
| 3.00 | 04/02/2025 | 04/01/2028 | ON-000037089320 |

Official Signature

*THIS CERTIFICATE IS NON-TRANSFERABLE*

6504 Bridge Point Parkway, Suite 100 | Austin, TX 78730 | www.360training.com

(CUT HERE) (CUT HERE)

TIPS On-Premise

CERTIFIED

Issued: 04/02/2025 Expires: 04/01/2028

Certificate #: ON-000037089320

Xiao Xia Zhang
125 Kemper Street, Quincy, MA, USA
Quincy MA 02170

TIPS | 360 TRAINING

Phone: 800-438-8477
www.gettips.com

*This card was issued for successful completion of the TIPS program.*

Signature _____

The Commonwealth of Massachusetts, William Francis Galvin

# Corporations Division

One Ashburton Place - Floor 17, Boston MA 02108-1512 | Phone: 617-727-9640

## Certificate of Organization

(General Laws, Chapter 156C, Section 12) Filing Fee: $500.00

Identification Number: 001852049 (number will be assigned)

1. The exact name of the limited liability company is:

KOJO ASIAN FUSION LLC

2. The address in the Commonwealth where the records will be maintained:

Number and street: 125 KAMPER ST

Address 2:

City or town: QUINCY State: MA Zip code: 02170

Country: UNITED STATES

3. The general character of business (if the limited liability company is organized to render professional service, this form must be filed by fax, mail or in person):

RESTAURANT

4. The latest date of dissolution, if specified: (mm/dd/yyyy)

5. The name and address of the Resident Agent:

Agent name: DONG DONG ZHANG

Number and street: [redacted]

Address 2:

City or town:

I DONG DONG ZHANG,

resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12.

6. The name and business address of each manager, if any:

| Title | Name | Address |
|---|---|---|
| MANAGER | XIAO LEI ZHANG | [redacted] |
| MANAGER | DONG DONG ZHANG | |

| | | |
|---|---|---|
| MANAGER | XIAO XIA ZHANG | [redacted] |

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

| Title | Name | Address |
|---|---|---|
| | | |

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

| Title | Name | Address |
|---|---|---|
| REAL PROPERTY | DONG DONG ZHANG | [redacted] |
| REAL PROPERTY | XIAO XIA ZHANG | |
| REAL PROPERTY | XIAO LEI ZHANG | |

9. Additional matters:

10. This certificate is effective at the time and on the date approved by the Division, unless a later effective date not more than ninety (90) days from the date of filing is specified:

Later Effective Date (mm/dd/yyyy): Time (HH:MM)

SIGNED UNDER THE PENALTIES OF PERJURY, this 25 Day of November, 2024,

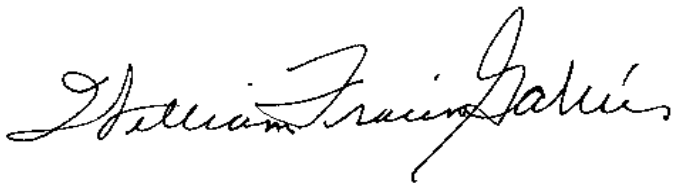
DONG DONG ZHANG

, Signature of Authorized Signatory.

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are deemed to have been filed with me on:

November 25, 2024 10:41 AM



WILLIAM FRANCIS GALVIN

*Secretary of the Commonwealth*

Your Information Payment Receipt

## Payment Confirmation

YOUR PAYMENT HAS PROCESSED AND THIS IS YOUR RECEIPT

Your account has been billed for the following transaction. You will receive a receipt via email.

**Transaction Processed Successfully.**
**INVOICE #: 5482ad29-8f0a-48a2-94fe-7ee76f69d469**

| Description | Applicant, License or Registration Number | Amount |
|---|---|---|
| FILING FEES-RETAIL | Kojo Asian Fusion LLC | $200.00 |
| | | **$200.00** |

Total Convenience Fee: $0.35

Date Paid: 6/2/2025 11:15:42 AM EDT

Total Amount Paid: $200.35

### Payment On Behalf Of

**License Number or Business Name:**
Kojo Asian Fusion LLC

**Fee Type:**
FILING FEES-RETAIL

### Billing Information

**First Name:**
Coleman Law Office PC

**Last Name:**

**Address:**
P.O. Box 920

**City:**
Reading

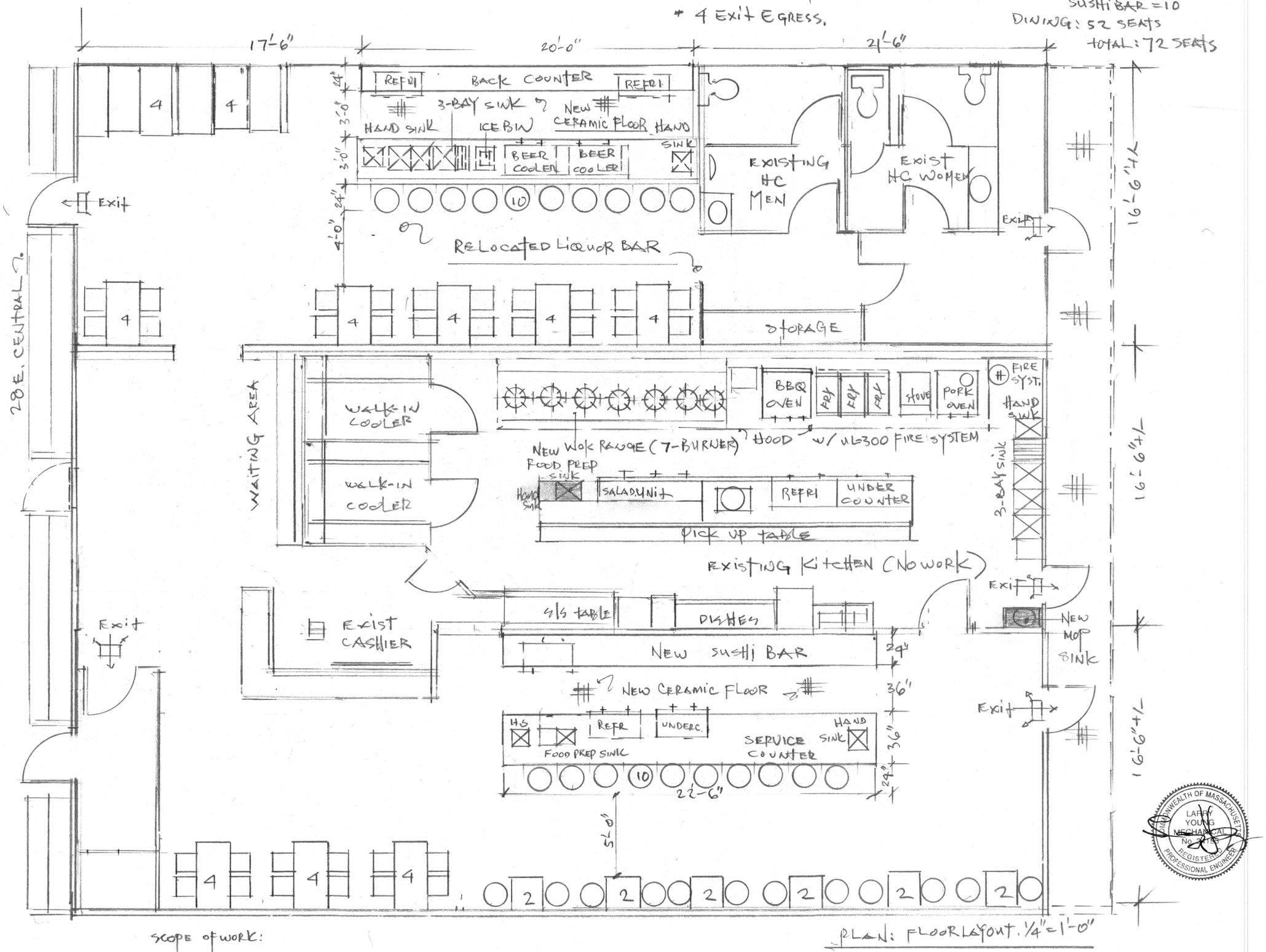
**State:**
MA

**Zip Code:**
01867

**Email Address:**
[redacted]

* USE GROUP: 2A RESTAURANT
* CONSTRUCTION TYPE: 3A. FIRE PROTECTED.
* 4 EXIT EGRESS.

AREA: 3,000 ± +/-
SEATS: LIQUOR BAR = 10
SUSHI BAR = 10
DINING: 52 SEATS
TOTAL: 72 SEATS




PLAN: FLOOR LAYOUT. 1/4" = 1'-0"

SCOPE OF WORK:

1). EXISTING RESTAURANT RENOVATION.

2). REMOVE THE OLD EXISTING LIQUOR BAR AND RELOCATED AS SHOWN ON PLAN.

3). ADD NEW SUSHI BAR WITH 2-NEW HAND SINK AND A SINGLE SINK.

4). THE FIRE ALARM, FIRE SPRINKLER SYSTEM, HVAC, LIGHTING, REMAIN NO CHANGE.

5). THE KITCHEN LAYOUT, EQUIPMENT REMAIN AS IT IS.

6). ALL WORK SHALL COMPLY TO LATEST EDITION OF MA. BUILDING CODE AND RELATED, REGULATIONS AND STANDARD.

COMMONWEALTH OF MASSACHUSETTS
LARRY YOUNG
MECHANICAL
No. 28138
REGISTERED
PROFESSIONAL ENGINEER

| REVISIONS | BY |
|---|---|
| | |
| | |
| | |
| | |
| | |
| | |

DESIGNED BY
Q HC ENGINEERS
665 HANCOCK STREET
SUITE 7. QUINCY MA 02170

PROPOSED RESTAURANT
RENOVATION.
28 E. CENTRAL STREET
FRANKLIN, MA.

FLOOR PLAN, EQUIPMENT LAYOUT
SCOPE OF WORK AND NOTES.

Date 03-28-25
Scale AS NOTED
Drawn LY
Job
Sheet A-1
Of Sheets

# KOJO ASIAN FUSION LLC

28 East Central Street
Franklin, MA 02038

The applicant will perform some renovation work to the Premises, estimated completion time of the renovation is between 2-3 months. A Certificate of inspection / Certificate of Occupancy issued by the Building Department and A Certificate of Insurance for the Liquor liability insurance and Work Compensation policy will be provided upon the completion of renovation work and prior to the issuance of Liquor License.

*The Commonwealth of Massachusetts*
*Department of Industrial Accidents*
*Office of Investigations*
*600 Washington Street*
*Boston, MA 02111*
*www.mass.gov/dia*

# Workers' Compensation Insurance Affidavit: General Businesses

**Applicant Information** **Please Print Legibly**

Business/Organization Name: KOJO ASIAN FUSION LLC

Address: 28 EAST CENTRAL ST.

City/State/Zip: FRANKLIN, MA 02308 Phone #: [redacted]

**Are you an employer? Check the appropriate box:**

1. [X] I am a employer with 5-6 employees (full and/ or part-time).*
2. [ ] I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
3. [ ] We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. [ ] We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

**Business Type (required):**

5. [ ] Retail
6. [X] Restaurant/Bar/Eating Establishment
7. [ ] Office and/or Sales (incl. real estate, auto, etc.)
8. [ ] Non-profit
9. [ ] Entertainment
10. [ ] Manufacturing
11. [ ] Health Care
12. [ ] Other _____

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.
**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

***I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.***

Insurance Company Name: A certificate of insurance will be provided prior to business open

Insurer's Address: _____

City/State/Zip: _____

Policy # or Self-ins. Lic. #_____ Expiration Date:_____

**Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).**

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to $1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to $250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

***I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.***

Signature: X Baolia Zhang Date: May 19, 2025

Phone #: [redacted]

***Official use only. Do not write in this area, to be completed by city or town official.***

**City or Town:** _____ **Permit/License #**_____

**Issuing Authority (circle one):**
**1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office**
**6. Other** _____

**Contact Person:**_____ **Phone #:**_____

## CERTIFICATE OF COMPLIANCE WITH STATE LAWS

Pursuant to M.G.L Chapter 62C, Sec 49A, and M.G.L. Ch. 151A, Section 19A, the undersigned acting on behalf on the License Holder, certifies under the penalty of perjury that, to the best of the undersign's knowledge and belief, the License Holder is in compliance with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support*.

x Xiaolin Zhang

** Signature of Individual or Corporate License Holder (Mandatory)

[redacted]

*** License Holder's Social Security Number/or Federal Identification Number

By: Xiao Xia Zhang, LLC Manager Date: May 19, 2025

Corporate Officer
(Mandatory, if applicable)

*The provision in the Attestation of relating to child support applies only when the License Holder is an individual.

**Approval of or a renewal of a license will not be granted unless this certification clause is signed by the applicant. For all corporations, a certified copy of the vote of the Board of Directors must be provided.

*** Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a license or other agreement issued, renewed or extended. This request is made under the authority of Massachusetts General Laws, Chapter 62C, section 49A.

# KOJO ASIAN FUSION LLC

28 East Central Street
Franklin, MA 02038

Our Business Certificate application is pending by the Business Verification signoff by the Building inspector.  It is in processing and will be provided to your office shortly.

# KOJO

## ASIAN FUSION CUISINE

### Cold Starters

🐟 🌶️ Spicy tuna crispy rice
(Fried sushi rice, spicy tuna, ponzu sauce, jalapeno wasabi infused fish roe)

🐟 Tuna Tartare
(Tuna, apple, radish, spicy soy sesame oil with crispy chip)

🐟 Tuna Bomb
(Tuna, avocado, lettuce, seaweed salad, crispy chip)

🐟 Salmon crudo with Yuzu Honey

🐟 Kinzan Sake
(salmon truffle oil, chives, sesame seed, yuzu wasabi with thinly sliced truffle, cold flakes)

🐟 Salmon on Fire
(Coffee bean smoked salmon with a hint of citrus truffle raspberry flavor)

🐟 Hama chili
(Yellowtail, chili ponzu fried shallots scallions, orange supreme)

🐟 Machi Cure
(Yellow tail, yucca Crisp, marcona almond)

🐟 Suzuki Carpaccio
(Seabass thinly sliced, citrus soy wasabi shitake mushroom tempura, truffle salt)

### Hot Starters

Organic Edamame w/Sea Salt

Wok-Tossed w/ Chili Sauce Edamame

Egg Roll

Crab Rangoon

Steam Peking Dumpling
(Handmade pot-stickers)

Shu Mai
(Steamed or fried)

Salt and Peper Soft Shell Crab

Salt and Peper Shrimp

Crispy Chicken Wings

🌶️ Chicken Wings Wok Tossed w/Salt & Jalapeno Peppers

### Soup

Miso Soup
Hot and Sour Soup
Crystal Wonton Soup

### Salad

🐟 Seaweed Salad with Tobikko
Avocado Salad
Kojo House Salad

***ALLERGY STATEMENT***

Before placing your order, please inform your server if a person in your party has a food allergy

## Poultry

🌶️ General Gao Chicken

Orange Chicken

🌶️ Gong Pao Chicken

🌶️ Chicken with Galic Sauce

## Seafood

General Gao Shrimp

Summer Shrimp w/ creamy Pineapple Sauce

## Rice & Noodles

Fried Rice
(Choice of: Pork/Chicken/Vegetable/Egg)

Pineapple Fried Rice w/ egg, veggie & curry

Lo Mein
(Choice of: Chicken/Shrimp/Vegetable)

KoJo Tonkotsu Ramen

## Meat

Beef w/ Broccoli

Beef w/ Pepper & Onion

🌶️ Yuen-Yan Spicy Beef
(Wok Tossed Hot Pepper Sauce, served on a bed of string beans)

## Vegetable

Stir-Fried Broccoli

Sauteed Mix Vegetables

## KoJo Signature Sushi Creations

🐟 Ikura Aburi
(Salmon roe/seared salmon belly, daikon oroshi, ponzu, negi)

🐟 Salmon Aburi
(Seared salmon w/ aburi ponzu, negi)

🐟 Moromi Maguro
(Tuna, wasabi oil, moromi miso)

🐟 Maguro Tataki
(Seared tuna, truffle oil, salt, wasabi)

🐟 Maguro Zuke
(House- cured tuna, yuzu kosho)

🐟 Hiramasa Crudo
(yellowtail king fish, seed balsamic, basil oil, tomato gomadare)

🐟 Branzino
(Sea bass,iced onion,sesame sauce)

Seared Avocado
(Truffle oil, salt, lemon juice)

🌶️ These items are served mild Spicy.

🐟 These items are cooked to order and may be served raw or undercooked. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.

## KoJo Specials

🐟 Crispy Mango
(Shrimp, cucumber, asparagus and mango inside)

🐟 Hamachi Tango Maki
(Seared Hamachi, avocado, cucumber, fried shallots covered with bana style hamachi)

🐟 🌶️ Hamachi Truffle
(Shirmp tempura, spicy mayo, cucumber, truffle and caviar)

🐟 Maki Cover W. Toro
(Torched toro, Spicy mayo, asparagus cucumber, bonito flakes, ginger sauce and serrano pepper)

🐟 Fire Cracker
(Spicy Tuna, tempura shrimp, avocado, salmon, tuna, spicy mayo firecracker sauce, tempura crunch)

🐟 Light House
(Shrimp tempura, spicy tuna, cucumber, avocado, eel sauce, wasabi mayo, micro green)

🐟 Jumbo Tiger
(Spicy tuna, tempura flake, avocado, mango, white seaweed taro flake in wasabi lemon aioli)

🐟 KoJo Stlyle soft Shell Crab
(soft shell Crab with tamago, unagi, cucumber scallion and tobiko wrapped with seaweed and daikon)

🐟 Alligator maki
(Shrimp tempura, unagi, avocado, cucumber, kanikama, tobiko, scallion)

🐟 🌶️ Fire and Sizzle Maki
(shrimp tempura, spicy crab, avocado cucumber, soy wrap, jalapeno topped with seared ribeye)

🐟 🌶️ Green Harbor
(Spicy Salmon, cucumber, avocado, spicy mayo sushi sauce wasabi tobiko and chili peper)

🐟 Salmon Torched
(Tobiko, Avocado, micro greens, cucumber pineapple covered with seared salmon, ikura,mayo)

🐟 Sashimi Maki
(Tuna, salmon, Hamachi wrapped in cucumber with ponzu, no rice)

🐟 KoJo Spicy Scallop
(Scallop, caviar, cucumber, micro green and spicy mayo)

🐟 Baked Scallop Maki
(Spicy Scallop, crabstick, scallions on top of avocado maki served hot)

Vegetarian Special Maki
(Mango, Tempura, sweet Yam, tempura shiitake mushroom with mango sauce cooked)

Vegetarian Truffle Maki
(Avocado Seet Potato Tempura, cucumber and truffle)

🐟 Lobster Crunch Symphony
(Shrimp tempura, cucumber, avocado soybean paper, lobster meat, sweet lemony sauce)

## KoJo Signature Sampler

🐟 Five pieces of signature nigiri

🐟 Chef Choice sushi tasting set

🐟 Five pieces of chef's choice seasonal nigiri with topping

## Traditional Roll

🐟 🌶️ Spicy Tuna Maki
(Tuna, cucumber, spicy mayo, tempura crunch)

🐟 🌶️ Spicy Salmon Maki
(Salmon, cucumber, spicy mayo, tempura crunch)

🐟 California Maki
(Crab Meat, cucumber, avocado)

🐟 Dynamite Maki
(Yellowtail, Siracha, scallion, tempura crunch)

🐟 Shrimp Tempura Maki

🐟 Rainbow Maki
(California maki topped w/layer of tuna, salmon, yellowtail, avocado)

🐟 Salmon avocado Maki

🐟 Philly Maki
(Scottish smoked salmon, cucumber avocado, cream cheese)

🐟 Unaavo Maki
(Eel w/Avocado)

🐟 Caterpillar Maki
(Eel, cucumber, tobiko topped w/layer of avocado)

Idaho Maki
(Fried sweet potato)

Shitake Mushroom Tempura Maki

Avocado & Cucumber Maki

## Sushi & Sashimi

Sushi order comes w/ two Pieces
Sashimi (3 Pieces)

🐟 Toro (Premium Bluefin fatty tuna)
🐟 Maguro (Tuna)

🐟 Hamachi (Yellowtail)

🐟 Hiramasa (AmberJack)
🐟 Kimedai (Japanese Golden Snapper)

🐟 Sake (Salmon)

🐟 Somked Salmon(House made Scottish salmon)
🐟 Madai (Japanese Snapper)

🐟 Suzuki (Sea Bass)
🐟 Saba (Pickled Mackerel)
🐟 Large Ama-Ebi (Japanese Sweet Shirmp)
🐟 Unagi (Fresh Water Eel)

🐟 Kaibashira (Sea Scallop)

🐟 Ikura (Salmon Roe)
Tamago (Egg cake)
🐟 Kanikama (Imitation crab)
🐟 Ebi (Boiled Shrimp)

## Sushi Entrees

🐟 KoJo SuShi Deluxe
🐟 Sashimi Combination

🐟 Sushi Sashimi combination
(5 pc nigiri, 9 pc sashimi, 1 maki roll)

## Lunch Specials

(Served Monday to Friday until 3:00pm No substitutions)

### From Kitchen

(Served w/Hot & Sour Soup, Crab Rangoon(2), California roll (3), White Rice)

🌶 General Gao's Chicken

Orange Chicken

🌶 Gong Bao Chicken

Summer Shrimp

🌶 Chicken With Garlic Sauce

### Sushi Lunch

(includes Miso Soup)

🐟 Sashimi Lunch
(9 pieces of chef's choice sashimi)

🐟 Sushi & Sashimi Lunch
(6 pieces of chef's choice sashimi, 3 pieces sushi and tuna maki)

🐟 Sushi Maki Lunch
(4 pieces of chef's choice sushi and a California maki)

TOWN
ADMINISTRATOR
TOWN of FRANKLIN

**NOTICE OF PUBLIC HEARING**
**FRANKLIN, MA**

**Modification of a Section 15 Wine and Malt Beverages Package Store License**
**Change of Location**
**The Little Shop of Olive Oils Inc. d/b/a The Little Shop of Olive Oils**

The Franklin Town Council will hold a Public Hearing on an application by The Little Shop of Olive Oils Inc. d/b/a The Little Shop of Olive Oils, located at 5 Main Street, Franklin, MA, for a change of location from 5 Main Street to 9 Main Street, on their Section 15 Wine and Malt Beverages Package Store License.

This public hearing will take place during the Town Council Public Meeting beginning at 6:00 pm on Wednesday, July 23, 2025; there will be an opportunity for public input during the process. Location: Municipal Building, 2nd floor Council Chambers, 355 E. Central Street, Franklin, and also via the "ZOOM" platform.

Residents can visit the Town website (Franklinma.gov) town calendar to review the agenda and for up to date meeting information, on and after July 18, 2025. Please call the Town Administrator's Office at (508) 520-4949 if you require further information or to make arrangements for translation services.

Respectfully Submitted by,
Julie McCann

*The Commonwealth of Massachusetts*
*Alcoholic Beverages Control Commission*
*95 Fourth Street, Suite 3, Chelsea, MA 02150-2358*
*www.mass.gov/abcc*

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION**
**MONETARY TRANSMITTAL FORM**

## AMENDMENT-Change or Alteration of Premises Information

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

**ECRT CODE: RETA**

**Please make $200.00 payment here: ABCC PAYMENT WEBSITE**

**PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT**

**ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)** 89714-PK-0430

**ENTITY/ LICENSEE NAME** The Little Shop of Olive Oils

**ADDRESS** 5 Main Street

**CITY/TOWN** Franklin **STATE** MA **ZIP CODE** 02038

For the following transactions (Check all that apply):

- ☐ New License
- ☐ Transfer of License
- ☐ Change of Manager
- ☐ Change of Officers/Directors
- ☐ Change of Ownership Interest
- ☐ Change Corporate Name
- ☐ Change of DBA
- ☐ Alteration of Licensed Premises
- ☒ Change of Location
- ☐ Other
- ☐ Change of Class (i.e. Annual / Seasonal)
- ☐ Change of License Type (i.e. club / restaurant)
- ☐ Change of Category (i.e. All Alcohol/Wine, Malt)
- ☐ Issuance/Transfer of Stock/New Stockholder
- ☐ Change Corporate Structure (i.e. Corp / LLC)
- ☐ Change of Hours
- ☐ Pledge of Collateral (i.e. License/Stock)
- ☐ Management/Operating Agreement

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

**Alcoholic Beverages Control Commission**
**95 Fourth Street, Suite 3**
**Chelsea, MA 02150-2358**

*The Commonwealth of Massachusetts*
*Alcoholic Beverages Control Commission*
*95 Fourth Street, Suite 3, Chelsea, MA 02150-2358*
*www.mass.gov/abcc*

# AMENDMENT-Change or Alteration of Premises Information

☒ **Change of Location**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

☐ **Alteration of Premises**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

## 1. BUSINESS ENTITY INFORMATION

| Entity Name | Municipality | ABCC License Number |
|---|---|---|
| The Little Shop of Olive Oils | Franklin | 89714-PK-0430 |

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

I'm reaching out to let you know that we're planning to move The Little Shop of Olive Oils, currently at Unit 5 on Main Street to Unit 9 within the same building—about 20 feet away, now facing Main Street.

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

| Name | Title | Email |
|---|---|---|
| Michael J Wilkinson | President | [redacted] |

## 2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

Paint and Fixtures

2B. PROPOSED DESCRIPTION OF PREMISES

Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

One Room Retail Gourmet Food, Gifts, Wine & Malt

| | | | | | |
|---|---|---|---|---|---|
| Total Sq. Footage | 1645 | Seating Capacity | 0 | Occupancy Number | 0 |
| Number of Entrances | 2 | Number of Exits | 2 | Number of Floors | 1 |

# AMENDMENT-Change or Alteration of Premises Information

## 3. CHANGE OF LOCATION

### 3A. PREMISES LOCATION

Last-Approved Street Address: 5 Main Street, Franklin MA 02038

Proposed Street Address: 9 Main Street, Franklin MA 20328

### 3B. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

1 floor, 1 room retail space

| | | | | | |
|---|---|---|---|---|---|
| Total Sq. Footage | 1645 | Seating Capacity | 0 | Occupancy Number | 0 |
| Number of Entrances | 2 | Number of Exits | 2 | Number of Floors | 1 |

### 3C. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

Please indicate by what means the applicant has to occupy the premises: Lease

Landlord Name: Fourzol LLC

Landlord Phone: [redacted]

Landlord Email:

Landlord Address: [redacted]

| | | | |
|---|---|---|---|
| Lease Beginning Date | 8/1/2025 | Rent per Month | $2,740 |
| Lease Ending Date | 7/31/2028 | Rent per Year | |

Will the Landlord receive revenue based on percentage of alcohol sales? ○ Yes ◉ No

## 4. FINANCIAL DISCLOSURE

Associated Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):

| | |
|---|---|
| Associated Cost(s): | There are no costs since we plan to use the same inventory...just a change of location. |

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

| Name of Contributor | Amount of Contribution |
|---|---|
| None | |
| | |
| | |
| | |
| Total: | 0 |

SOURCE OF FINANCING

Please provide signed financing documentation.

| Name of Lender | Amount | Type of Financing | Is the lender a licensee pursuant to M.G.L. Ch. 138. |
|---|---|---|---|
| None | | | ○ Yes ○ No |
| | | | ○ Yes ○ No |
| | | | ○ Yes ○ No |
| | | | ○ Yes ○ No |

# APPLICANT'S STATEMENT

I, [redacted] the: ☐ sole proprietor; ☐ partner; ☑ corporate principal; ☐ LLC/LLP manager
Authorized Signatory

of The Little Shop of Olive Oils
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

(1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;

(2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;

(3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;

(4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;

(5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;

(6) I understand that all statements and representations made become conditions of the license;

(7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;

(8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and

(9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

(10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: [redacted] Date: 6/17/25

Title: President

## ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

## ENTITY VOTE

The Board of Directors or LLC Managers of The Little Shop of Olive Oils
Entity Name

duly voted to apply to the Licensing Authority of Franklin and the
City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on 7/23/25
Date of Meeting

For the following transactions (Check all that apply):

- ☐ Alteration of Licensed Premises
- ☒ Change of Location
- ☐ Other

"VOTED: To authorize
Name of Person
to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

A true copy attest,

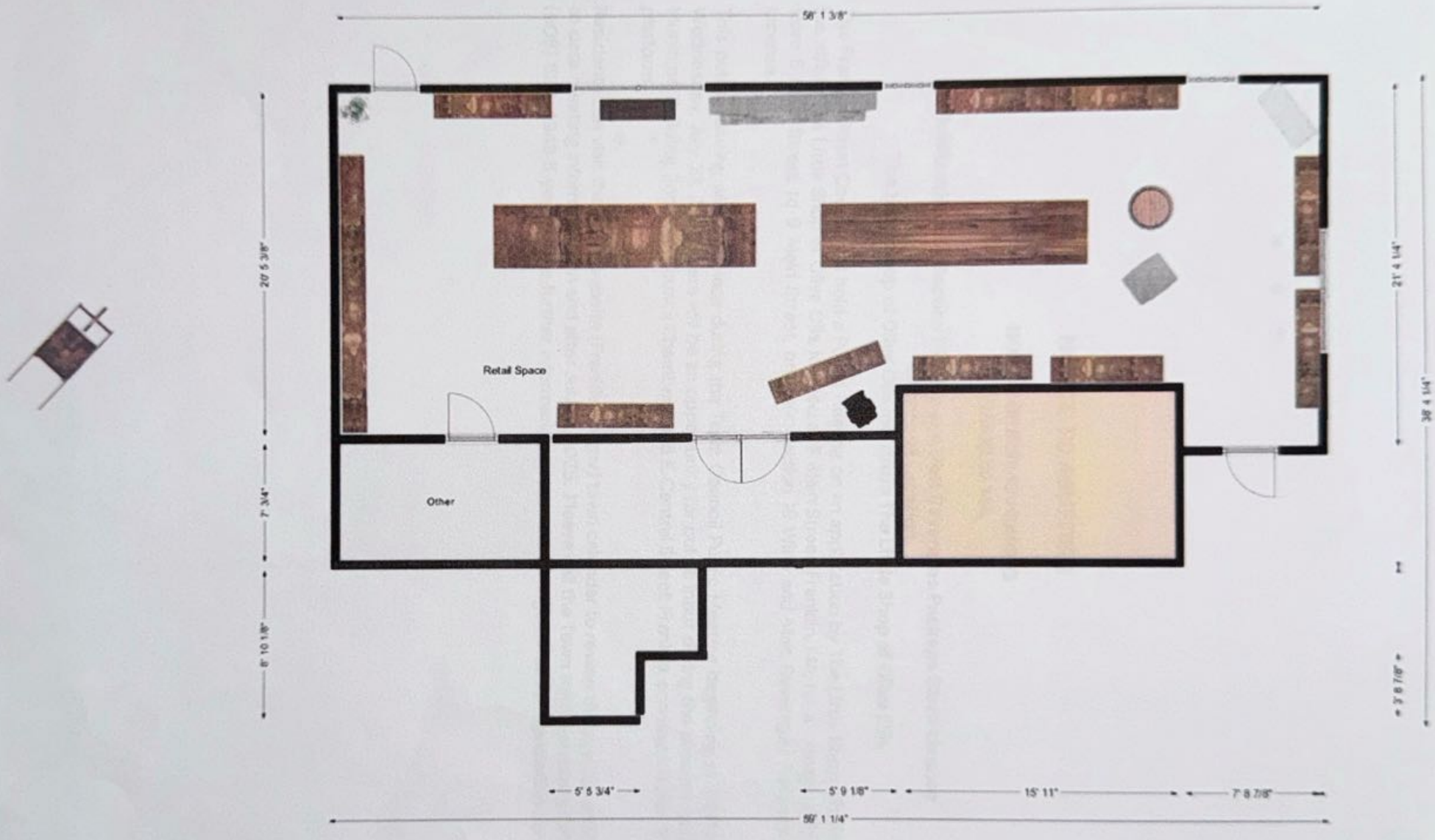
Corporate Officer /LLC Manager Signature

Michael Wilkinson
(Print Name)

For Corporations ONLY
A true copy attest,

Corporation Clerk's Signature

(Print Name)




Free SD export
floorplanner

UNITED STATES POSTAL SERVICE®

# Certificate of Mailing — Firm

| Name and Address of Sender | TOTAL NO. of Pieces Listed by Sender | TOTAL NO. of Pieces Received at Post Office™ | Affix Stamp Here<br>*Postmark with Date of Receipt.* |
|---|---|---|---|
| The Little Shop of Olive Oils<br>5 Main St<br>Franklin Ma<br>02038 | 59 | | FRANKLIN MA 02038<br>JUL 10 2025<br>USPS |
| | Postmaster, per *(name of receiving employee)* | | |

| USPS® Tracking Number / Firm-specific Identifier | Address (Name, Street, City, State, and ZIP Code™) | Postage | Fee | Parcel Airlift |
|---|---|---|---|---|
| 1. See Attached | | | | |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

## CERTIFICATE OF COMPLIANCE WITH STATE LAWS

Pursuant to M.G.L Chapter 62C, Sec 49A, and M.G.L. Ch. 151A, Section 19A, the undersigned acting on behalf on the License Holder, certifies under the penalty of perjury that, to the best of the undersign's knowledge and belief, the License Holder is in compliance with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support*.

_____

** Signature of Individual or Corporate License Holder (Mandatory)

[redacted]

_____

*** License Holder's Social Security Number/or Federal Identification Number

By: _____ Date: 7/11/25

Corporate Officer
(Mandatory, if applicable)

*The provision in the Attestation of relating to child support applies only when the License Holder is an individual.

**Approval of or a renewal of a license will not be granted unless this certification clause is signed by the applicant. For all corporations, a certified copy of the vote of the Board of Directors must be provided.

*** Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a license or other agreement issued, renewed or extended. This request is made under the authority of Massachusetts General Laws, Chapter 62C, section 49A.

*The Commonwealth of Massachusetts*
*Department of Industrial Accidents*
*Office of Investigations*
*600 Washington Street*
*Boston, MA 02111*
*www.mass.gov/dia*

# Workers' Compensation Insurance Affidavit: General Businesses

**Applicant Information** — **Please Print Legibly**

Business/Organization Name: The Little Shop of Olive Oils

Address: 5 Main St

City/State/Zip: Franklin Ma 02038 Phone #:

**Are you an employer? Check the appropriate box:**

1. ☑ I am a employer with 3 employees (full and/ or part-time).*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

**Business Type (required):**

5. ☑ Retail
6. ☐ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☐ Other

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.
**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

***I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.***

Insurance Company Name: Arbella Protection Ins. Co

Insurer's Address: Feinbold & Feinbold 446 Main St Suite 1403

City/State/Zip: Worcester Ma 01608

Policy # or Self-ins. Lic. #: 08 WECAB219N Expiration Date: 2/12/26

**Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).**

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to $1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to $250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

***I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.***

Signature: [redacted] Date: 7/11/25

Phone #: [redacted]

***Official use only. Do not write in this area, to be completed by city or town official.***

**City or Town:** **Permit/License #**

**Issuing Authority (circle one):**
**1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office**
**6. Other**

**Contact Person:** **Phone #:**

THELITT-01 RSMITH

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 7/11/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | |
|---|---|
| PRODUCER<br>Feingold & Feingold Insurance Agency, Inc.<br>446 Main Street Ste 1403<br>Worcester, MA 01608 | CONTACT NAME:<br>PHONE (A/C, No, Ext): (508) 831-9500 FAX (A/C, No): (508) 797-4030<br>E-MAIL ADDRESS: |
| | INSURER(S) AFFORDING COVERAGE — NAIC # |
| | INSURER A : Arbella Protection Insurance Company |
| INSURED<br>The Little Shop of Olive Oils, Inc.<br>5 Main Street<br>Franklin, MA 02038 | INSURER B : Hartford Fire Insurance Co |
| | INSURER C : |
| | INSURER D : |
| | INSURER E : |
| | INSURER F : |

**COVERAGES** **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSD | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS | | |
|---|---|---|---|---|---|---|---|---|---|
| A | X COMMERCIAL GENERAL LIABILITY | | | | | | EACH OCCURRENCE | $ | 2,000,000 |
| | CLAIMS-MADE X OCCUR | | | 7520152323 | 1/3/2025 | 1/3/2026 | DAMAGE TO RENTED PREMISES (Ea occurrence) | $ | 1,000,000 |
| | | | | | | | MED EXP (Any one person) | $ | 10,000 |
| | | | | | | | PERSONAL & ADV INJURY | $ | 2,000,000 |
| | GEN'L AGGREGATE LIMIT APPLIES PER: | | | | | | GENERAL AGGREGATE | $ | 4,000,000 |
| | X POLICY PRO-JECT LOC | | | | | | PRODUCTS - COMP/OP AGG | $ | 4,000,000 |
| | OTHER: | | | | | | | $ | |
| | AUTOMOBILE LIABILITY | | | | | | COMBINED SINGLE LIMIT (Ea accident) | $ | |
| | ANY AUTO | | | | | | BODILY INJURY (Per person) | $ | |
| | OWNED AUTOS ONLY SCHEDULED AUTOS | | | | | | BODILY INJURY (Per accident) | $ | |
| | HIRED AUTOS ONLY NON-OWNED AUTOS ONLY | | | | | | PROPERTY DAMAGE (Per accident) | $ | |
| | | | | | | | | $ | |
| | UMBRELLA LIAB OCCUR | | | | | | EACH OCCURRENCE | $ | |
| | EXCESS LIAB CLAIMS-MADE | | | | | | AGGREGATE | $ | |
| | DED RETENTION $ | | | | | | | $ | |
| B | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY | | | | | | PER STATUTE OTH-ER | | |
| | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N: Y | N/A | | 08WECAB2I9N | 2/12/2025 | 2/12/2026 | E.L. EACH ACCIDENT | $ | 100,000 |
| | If yes, describe under DESCRIPTION OF OPERATIONS below | | | | | | E.L. DISEASE - EA EMPLOYEE | $ | 100,000 |
| | | | | | | | E.L. DISEASE - POLICY LIMIT | $ | 500,000 |
| A | Liquor Liability | | | 7520152323 | 1/3/2025 | 1/3/2026 | Each Cause Limit | | 1,000,000 |
| A | Liquor Liability | | | 7520152323 | 1/3/2025 | 1/3/2026 | Aggregate Limit | | 2,000,000 |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

**CERTIFICATE HOLDER**

Town of Franklin
118 Main Street
Franklin, MA 02038

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Lisa M. Horton


© 1988-2015 ACORD CORPORATION. All rights reserved.
The ACORD name and logo are registered marks of ACORD

# The Commonwealth of Massachusetts

## Town of Franklin

## New and Renewal Certificate of Inspection

In accordance with 780 CMR, Chapter 1 (Eighth Edition of the Massachusetts State Building Code) and Chapter 304 of the Acts of 2004 (an Act to further enhance fire and life safety), this certificate of inspection is issued to the premise or structure or part thereof as herein identified.

| | Identify Name of Establishment | Certificate Number |
|---|---|---|
| Issued to | The Little Shop of Olive Oils | CI-2021-21-571 |
| | **Identify property address including street number and name** | **Certificate Expiration** |
| Located at | 5 Main Street | December 31, 2022 |

| Area | Use Group Classification(s) | Allowable Occupant Load |
|---|---|---|
| | | |

This certificate of inspection is hereby issued by the undersigned to certify that the premise, structure or portion thereof as herein specified has been inspected for general fire and life safety features. This certificate shall be framed behind clear glass and/or laminated and posted in a conspicuous place within the space as directed by the undersigned. Failure to post of tampering with the contents of this certificate is strictly prohibited.

| | | | | | |
|---|---|---|---|---|---|
| Name of Municipal Fire Chief | JAMES G. MCLAUGHLIN | Name of Municipal Building Commissioner | LLOYD BROWN | Date of Inspection | |
| Signature of Municipal Fire Chief | James G. McLaughlin | Signature of Municipal Building Commissioner | Lloyd Brown | Date of Issuance | December 29, 2021 |

# NOTICE TO EMPLOYEES

NOTICE TO EMPLOYEES

## The Commonwealth of Massachusetts
## DEPARTMENT OF INDUSTRIAL ACCIDENTS

**1 Congress Street, Suite 100, Boston, Massachusetts 02114-2017**
**617-727-4900 – http://www.state.ma.us/dia**

***As required by Massachusetts General Law, Chapter 152, Sections 21, 22, & 30, this will give you notice that I (we) have provided for payment to our injured employees under the above mentioned chapter by insuring with:***

Hartford Insurance Company of the Midwest
**NAME OF INSURANCE COMPANY**

One Park Place, 300 South State St, 7th Floor Syracuse NY 13202
**ADDRESS OF INSURANCE COMPANY**

WEC AB2I9N
**OLICY NUMBER**

02/12/20
**EFFECTIVE DATES**

INGOLD & FEINGOLD INS AGENCY INC
**ME OF INSURANCE AGENT**

22 ELM STREET CHESTNUT PLACE
WORCESTER MA 01608
**ADDRESS**

(800)-370-1718
**PHONE**

Little Shop of Olive Oils, Inc.
**PLOYER**

23 BROKEN TREE RD MEDWAY MA 02053-2447
**ADDRESS**

**LOYER'S WORKERS COMPENSATION OFFICER (IF ANY)**

**DATE**

## MEDICAL TREATMENT

**bove named insurer is required in cases of personal injuries arising out of and in the course of employment nish adequate and reasonable hospital and medical services in accordance with the provisions of the rs Compensation Act. A copy of the First Report of Injury must be given to the injured employee. The yee may select his or her own physician. The reasonable cost of the services provided by the treating ian will be paid by the insurer, if the treatment is necessary and reasonably connected to the work related In cases requiring hospital attention, employees are hereby notified that the insurer has arranged for tention at the**

**F HOSPITAL**

**ADDRESS**

# TO BE POSTED BY EMPLOYER

*3 20 01 D Printed in U.S.A.*

001698 2/4

THE LITTLE SHOP

Tracey Wilkinson <[redacted]>

# Receipt from nCourt

1 message

customerservice@ncourt.com <customerservice@ncourt.com> Mon, Jun 16, 2025 at 4:10 PM
To: [redacted]

YOUR RECEIPT >>

**Please include the payment receipt with your application. Thank you.**

Paid To

Name: Massachusetts Alcoholic Beverages Control Commission - Retail
Address 1: 95 Fourth Street, Suite 3
City: Chelsea
State: Massachusetts
Zip: 02150

Payment On Behalf Of

First Name: Michael Last Name: Wilkinson
Address 1: [redacted]
Address 2:
City:
Phone:
State/Territory: MA Zip: 02053

| Description | Applicant, License or Registration Number | Amount |
|---|---|---|
| FILING FEES-RETAIL | The Little Shop | $200.00 |

**Receipt Date:** 6/16/2025 4:10:04 PM ET
**Invoice Number:** 17c4bd88-2382-42b3-9389-4a70f4aa6f25

**Convenience Fee:** $4.18
**Total Amount Paid:** $204.18

Billing Information

Organization Name: The Little Shop of Olive Oils
Address 1: [redacted]
Address 2:
City:
State/Territory:
Zip:
Phone Number:
Email:

Credit / Debit Card Information

Card Type: Visa
Card Number: [redacted]

IMPORTANT INFORMATION >>

Please verify the information shown above. Your payment has been submitted to the location listed above.

# Mike Wilkinson

## Summary

***Business Owner***
Results-driven, dependable Assistant to Manager versed in warehouse operations and logistics. Proven organizational skill and attention to detail. Enthusiastic, energetic personality with demonstrated ability to meet tight deadlines. Self-starter capable of managing tasks to meet company goals. Capacity to deliver work quickly, efficiently and safely.

## Work Experience

### The Little Shop of Olive Oils, Franklin 2018 to Present

***Store Manager and Owner***
Responsible for managing (Franklin) Core Specialty Food Shop for the sale of Ultra-Premium Extra Virgin Olive Oil and Aged Balsamic Vinegars (also includes Gifts, imported food and various other items).

***Key Achievements:***

- Execute online order processing, including confirming transfers from approximately 3% of sales.
- Manage supplier deliveries.
- Coordinate closely with sales team for purchase orders, delivery status, pricing and delivery issues, out of stocks (if applicable) in order to ensure highest levels of customer service.
- Attend consumer events and assist with, management, set up and break down of displays.
- Data Entry for QuickBooks and Shopify (inventory, new products and scan codes)

### Verizon, Boston 1987 to 2018

***Technician***
Responsible for installation of switching system.

### Education

Emmanual College – BA 1996
Catholic Memorial High School – High School Diploma 1980

### Expertise

- Purchasing
- Transportation
- Data Entry
- Shipping & Receiving
- Inventory Management

### Skills

- MS Office 365 (Word, Excel, PowerPoint)
- Google Apps
- Shopify Point of Sales
- Shopify e-commerce
- TIPS Trained & Certified

### Additional Skills

- Valid Massachusetts Driver's License.

## LICENSE TRANSACTION

### New Section 12 Restaurant All Alcoholic Beverages License

**Kojo Asian Fusion LLC**
d/b/a Kojo
28 East Central Street
Franklin, MA 02038

Kojo Asian Fusion LLC, d/b/a Kojo, is seeking approval for a New Section 12 Restaurant All Alcoholic Beverages License, and approval of the license manager, Xiao Xia Zhang.

All departments have signed off on this application.

**MOTION** to approve the request by Kojo Asian Fusion LLC, d/b/a Kojo, for a New Section 12 Restaurant All Alcoholic Beverages License and to approve Xiao Xia Zhang as the license manager.

---

**DATED: _____, 2025**

**VOTED:**

**UNANIMOUS: _____**

**A True Record Attest:**

**YES: _____ NO: _____**

**ABSTAIN: _____**

**ABSENT: _____**

**RECUSED: _____**

**Nancy Danello, CMC**
**Town Clerk**

_____
**Glenn Jones, Clerk**
**Franklin Town Council**

# LICENSE TRANSACTION

## License Modification - Change of Location

**The Little Shop of Olive Oils Inc.**
d/b/a The Little Shop of Olive Oils
5 Main Street
Franklin, MA 02038

The Little Shop of Olive Oils Inc. d/b/a The Little Shop of Olive Oils, is seeking approval for a change of location on their Section 15 Wine and Malt Beverages Package Goods Store License. The new location will be 9 Main Street, Franklin, MA 02038.

All departments have signed off on this application.

**MOTION** to approve the request by The Little Shop of Olive Oils Inc. d/b/a The Little Shop of Olive Oils for a Change of Location to 9 main Street, Franklin, MA 02038.

---

**DATED: _____, 2025**

**VOTED:**

**UNANIMOUS: _____**

**A True Record Attest:**

**YES: _____ NO: _____**

**ABSTAIN: _____**

**ABSENT: _____**

**RECUSED: _____**

**Nancy Danello, CMC**
**Town Clerk**

_____
**Glenn Jones, Clerk**
**Franklin Town Council**

TOWN ADMINISTRATOR
TOWN of FRANKLIN

# MEMORANDUM

Date: July 18, 2025

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

RE: Franklin Methodist Church
Resolution 25-27: FY26 Community Preservation Appropriation of Funds - Capital

---

The Town Council will be considering an application for $100,245 from the Franklin United Methodist Church from CPA funds for historic preservation renovations to the church. Representatives from the Church will make a presentation. The CPC approved the project after a long presentation and discussion.

I would encourage residents and the Town Council to watch the CPA meeting at the 16:34 mark for additional background. The Church has provided a plan for the funds. See attached resolution and supporting request. The CPC voted unanimously to endorse the project expenditure. We have also provided the historic certification data they have collected to deem the building a place of historical significance.

The decision before the Council this evening has details that are important and have potential legal consequences if not properly discussed. This request is subjective, on a case by case basis, due to a Massachusetts Supreme Judicial Court decision from 2018 relative to Community Preservation Act funds being expended on places of worship. The case involved a historic place of worship in the Town of Acton. We have attached a copy of the court case in the packet. You may also read a condensed case analysis on the Community Preservation Coalition website.

The court case centers around using a "three factor" litmus test, which is outlined in the case, which is based on a case in 1981 involving the Commonwealth v School Committee of the City of Springfield, which is a defining case on the anti-aid amendment. These types of litmus tests are common in cases involving the complicated web of legal and constitutional issues around religion, places of worship, free speech, obscenity and many other areas that affect constitutional rights when juxtaposed against other constitutional rights (EG - the separation of church and state and freedom of religion).

If approved, the Council needs to be aware that ten taxpayers who may object to this expenditure are authorized by statute to being susceptible to a lawsuit, similar to the one in Acton.

Also, if approved, the Town and the church are required to enter into a Preservation Agreement, similar to the one we just completed with Habitat for Humanity, for permanent preservation of the exterior renovations.
Suffice to say, the application before the Town Council tonight is a subjective judgment call. Staff also ardently believe in due process, including the church. This is a very important debate for the community and legislative body to decide.

Finally, a grant award to the Methodist Church does NOT immediately qualify all places of worship to be eligible for CPA funds. Not all applications will be eligible or even subjective. For example, interior work on a church would not qualify because the public cannot reap a benefit from the interior of the church unless they are a parishioner (EG - the interior restoration from the St Mary's fire would not qualify). However, the exterior work is a preservation project that all can enjoy and maintain community character and history. Second, not all other churches are. The Methodist Church carries the unique designation as the oldest active parish and structure in Franklin and is iconic from many perspectives.

The Town of Easton has also approved a project which has not received a challenge due to meeting the three factor tests, and Town was met with no active opposition in litigation.

The Town Attorney and Town Administrator will be available for questions.

Franklin
United Methodist Church
82 West Central Street, PO Box 313, Franklin, MA 02038

Community Preservation Committee
355 East Central Street
Franklin, MA 02038

February 5, 2025

Dear Chairperson Feeley and members of the Community Preservation Committee,

The Franklin United Methodist Church (UMC) is requesting Community Preservation Act funding in the amount of $100,245 for the preservation and restoration of the exterior of its historic facility at 82 West Central Street.

**Scope of Project**

This project aims to preserve and restore the exterior façade of the Franklin United Methodist Church. Key aspects of this project include the restoration of historic trim, staining the body, and painting the trim to closely match the original historic colors, as determined from photographic and other historic records. Additionally, the project encompasses the restoration of the cupola on the roof, features that were removed and simplified many years ago.

The total cost of this project, covering equipment, materials, labor, and contingencies, is $100,245. Please refer to the attached budget, with comments, prepared by Bud Killam, President of Painter's Pride, Inc. Painter's Pride specializes in historic restoration of religious buildings and has completed Community Preservation Act projects in other communities. Their professional affiliations include the National Trust for Historic Preservation, Society of Gilders, and they are lead safe certified by the Environmental Protection Agency. Attached is information about Painter's Pride, including a list of communities of faith they have worked with in New England.

**Historical Significance of the Franklin UMC**

For 172 years, Methodists have met in the Town of Franklin, first in the Franklin Town Hall (1853-1856), in members' homes around Franklin, and then in a facility they would construct at 82 West Central Street adjacent to the Town Hall. The property was purchased in the summer of 1872 and by September 9, the foundation was set. The cornerstone was laid on October 23, 1872. Five months later the vestry was dedicated (March 23, 1873); and, on June 23, 1873 the building was completed and dedicated by Bishop Matthew Simpson. The total cost to construct the building was approximately $15,000. For over 150 years, the footprint of the building has remained relatively

consistent. with a modest addition added in the 1930s. This addition included a kitchen and additional education space.

The facility has been identified as an historic asset of the Commonwealth of Massachusetts (MCRIS Inventory No. FRN.336) noting its architectural significance as part of Franklin Center (MCRIS Inventory No. FRN.A). It has also been identified as an historic property by the Town of Franklin Historical Commission. The facility sits adjacent to and is contemporary of the Dean Junior College National Historic District (Ref. No. 75000285).

The exterior of the facility maintains many of its original Victorian Gothic details including the pointed arch windows, stained glass and tracery on the original, front, center stained glass window, flying buttresses, and steep roof. Original millwork details including dentils, decorative brackets and trim provide intricate detail indicative of the style. Some features, like the second spire over the side entrance, cupola and cross on the roof, and roof cresting have been lost to time.

In 1903, memorial stained-glass windows were installed adding to the grandeur of the building; and, in 1905 a Geo. W. Reed pipe organ was installed replacing the smaller, original Geo. H. Ryder (Opus 12) pipe organ.

The facility has been used throughout its history for more than religious purposes. It has been used, for educational and political purposes, a community gathering space, and host to several notable organizations, entertainers, speakers. On Sunday, March 27, 1887, the church hosted the Union Temperance Meeting where an audience of between "four and five hundred gathered" to hear Rev. I.C. Brown of Des Moines, Iowa speak. Of the several resolutions passed at that meeting, one was sent to the House of Representatives "praying that the bill allowing women to vote on the license question at our town meetings be sustained by that honorable body" (see *Franklin Sentinel*, Vol X. No. 13, April 1, 1887). On June 8, 1897, the church hosted the Plantation Melody Quintette from Claflin University, a historically black university. The concert raised money for the university (see *Franklin Sentinel*, Vol. XX. No. 46, June 8, 1897). Signor Mario Cappelli, a "Premier Italian-American Tenor," performed a vesper service on Christmas Day, December 25, 1927 (see *The Franklin Sentinel*, Vol. I. No. 38, September 29, 1927; Vol. I. No. 50, December 22, 1927; Vol. I. No. 51, December 29, 1927). These are just a few examples. To list all of the notable uses of and events in a 150-year-old facility that sits adjacent to the Town Hall in downtown Franklin there is not enough space.

**Grant Matching**

In tandem to this request, the Franklin UMC has embarked on a multi-phase capital campaign. See the attached "Defining Our Generation" Capital Campaign Phase Summary. We are currently working through projects in Phase II and, thanks to a long-term commitment from Aprende Spanish Immersion, making plans to accomplish Phase III. The preservation and restoration of the exterior of the facility *is not* part of that campaign.

As of January 5, 2025, the congregation has raised a total of $136,704.96 for Phase II of the campaign. These funds have gone toward protection (including partial disassembly and reassembly) of the historic tracker organ, repair and restoration of the sanctuary ceiling, painting of the sanctuary, refinishing of the hardwood floors in the sanctuary and vestry, new carpet on the main-level, and increasing the church's

endowment. In total, we have received $264,580 in pledges and $27,648.48 in non-pledged gifts (as of January 5, 2025) toward Phase II of the campaign. This fundraising effort not only matches the amount requested in this proposal, it also shows the financial stability of the Franklin UMC and the commitment of the congregation and broader community to support the church.

**For Public Benefit *and 'Not Religious Undertaking'***

The "anti-aid amendment" of the Constitution of the Commonwealth of Massachusetts bars public funds from being used "for the purpose of founding, maintaining or aiding…charitable or religious undertaking" (see §2. Article XVIII. Free Exercise of Religion, support of public schools, use of public money or credit for schools and institutions).

This project is being done on an active church facility; however, awarding of this project does not directly support the "undertaking of religion." This project, which is limited to the exterior of the facility, seeks to preserve the historic ambiance and feel of downtown Franklin. Further, the primary aim of this project is not to restore religious iconography or detail essential to the functioning of the church. This project aims to preserve and restore Victorian Gothic details of the facility that, without awarding of this funding, may otherwise be lost as the church prioritizes its mission over the preservation and restoration of its facility's decorative and historic details.

In its Phase II campaign, the church has committed enough funds to accomplish all projects *inside* the facility that could be construed "for the purposes of religious undertaking," namely the restoration and renovation of the sanctuary and the strengthening of its endowment. This proposal seeks to preserve and restore the historic *exterior* features of the building which add to the historic appeal of the area. This project, with its focus on the exterior of the building, utilizes public funds for purposes that are accessible to all members of the community, whether they enter the building for "religious undertaking," a public event, or otherwise.

The Franklin UMC is a public facility used for the benefit of the entire community. Through its Community Cookouts, Concerts, and Closet, it serves the entire community by providing space for neighbors to meet, serve, and share with one another while eating a *free* meal together, enjoying the talents of local musicians *free of charge*, and 'shopping' for *free* clothing. The facility is used by various community groups including several Girl Scout troops and Rise Up, a social meet-up for individuals navigating life with disability. It hosts Tri-Valley, Inc. Meals on Wheels and a Spanish-immersion daycare. All of these public, non-church-related groups and organizations that meet at the Franklin UMC add to the diversity and vibrancy of downtown Franklin and draw people into the heart of the city.

**A Further Discussion on Details Lost: Colors, a Cupola, Roof Cresting, and a Spire**

In preparation for this project, we have been combing through our records and working closely with Rowan Lowell, Archivist at the Franklin Historical Museum, and Vicki Earls, Head of Reference and Public Services at Franklin Public Library, to find historical pictures of the exterior of the facility to help us better understand the features that have been maintained or lost over time. The photos suggest that the exterior color has been altered several times, a cupola has been removed along with roof cresting and a spire.

What were the historic colors of the facility? In truth, we do not know exactly. From what we can tell from the pictorial record, the church has had three different color schemes. Its present three-color scheme was an attempt at returning to the historic colors of the church in the 1980s. Members did their best, consulting an historic colors expert, to choose colors appropriate to the time period, painting the main body of the church beige, the trim dark brown, and using a deep "Indian Red" to highlight the accents. This was a major change that received some amount of press, including in *The Woonsocket Call* on October 27, 1984.

From some-point in the 1920s through the early 1980s, the church was solid white. We do not know the exact date when the color was changed, but suspect that the facility was painted white during the summer of 1924 in preparation for the church facility's 50th anniversary. The February 6, 1925, Quarterly Conference minutes note that

> The church was thoroughly renovated and painted inside and out during the month of July and August [1924]. It was so beautifully clothed we hardly recognized the old church when we assembled for our worship in September… I doubt if there is a piece of church property on the Worcester district that is in better condition than Franklin.

There is no mention that we could find of changing the colors of the church in *The Franklin Sentinel*. This makes us suspect that the change to white, whenever it was, was not a dramatic alteration in color.

Working from historical photos and pictures, we assume the church stayed the same color from 1874 until it was changed in the 1920s. Recently found black and white photographs from 1895, 1901, and 1905 suggest that the trim color was lighter than the main body. A colorized postcard from the early 1900s suggests that the main body of the church was a pale yellow which would shade consistent with the black and white photos we have from the time period. For reference, see the Historical Pictures attachment.

In seeking to restore the church to its original historic colors, this project funds the changing of the church's colors from beige (body), dark brown (trim), and "Indian Red" (accent) to pale yellow (body), white (trim), and dark brown or burgundy (accent).

The cupola and cross that once overlooked West Central Street were removed several years ago. A cross, sans cupola, was put in its place in 2011. This project will include the construction of a cupola upon which a simple gilded cross will be placed. We understand that the restoring of the gilded cross may be construed as supporting the "undertaking of religion" (cf. George Caplan & others vs. Town of Acton, SJC-12274). As such, should this proposal be approved, no funds will be used to gild and place a cross on the facility. Funds *will* be used to bring back a period appropriate cupola that has been lost for many decades.

One of the earliest features to be removed from the building was the roof cresting, an ornamental railing attached to the ridge of the hip roof parallel to West Central Street. The exact detail of this feature is unknown. Pictorial evidence shows it, but not in detail. All construction details from the 1870s have been lost. This project seeks to restore this feature with a railing that looks period appropriate.

The spire over the side entrance of the church has also been removed over time. This feature created a secondary spire that mimicked the steeple. The side entry has also

been turned to face the parking lot, instead of West Central Street. Restoring the spire and turning the side entrance back toward West Central Street is not currently part of this project; however, we would request that the current proposal not automatically exempt the Franklin UMC from applying for Community Preservation Funds in the future. If the committee would prefer us only apply for funding once, we can add it to this proposal.

Thank you for considering this request for funding. If you have any questions regarding this request or need additional documentation, do not hesitate to reach out to me. Bud Killam, President of Painter's Pride, has also offered to answer any questions you might have regarding this project.

Peace.


Rev. Dr. Jacob W. Juncker
Pastor

Tricia Prewitt
Community Outreach Team, Chair

Linda Zardeskas
Church Council, Chair

jacob@franklinumc.org
508-528-1092 (church office)


CC: Jamie Hellen, Town Administrator
Julie McCann, Executive Assistant to the Town Administrator
Evan LaCasse, Deputy Chief Financial Officer and Budget Director
Alan R. Earls, Chair of Historical Commission for the Town of Franklin
Bud Killam, Painter's Pride

Attachments:
Painter's Pride: Budget Pricing and General Comments
Painter's Pride: Information & Project Referral List
MCRIS Record No. FRN.336
"Defining Our Generation" Phase Summary
Historic Pictures

Franklin United Methodist Church. Budget Pricing and General Comments for the CPA Grant Application
Version 2 - May 8, 2025
Submitted by: Bud Killam, President, Painters Pride, Inc.

| No. | Issue/Recommendation/Task | | | | Comments/Description |
|---|---|---|---|---|---|
| | | Equipment/Material/ Labor Cost | Allowances | Contigencies/Alte rnates | |
| | **EXTERIOR RESTORATION/PRESERVATION PROJECT** | | | | Repair/restore/paint the the church building including the steeple. |
| 1 | Consultation w Lead Paint Inspector | | | 1,000 | The assumption is that the steeple has Lead Based Paint (LBP). Informal consult with licensed LBP inspector to determine best practices for containing LBP and update on changing LBP laws. Generally, conuslt is necessary only the church has a preschool or other situation where children under the age of 6 regularly occupy the building. Sunday school is OK |
| 2 | Informal conversation w Historical Commission??? | | | | Church to speak with HC about doing maintenance, preservation to steeple??? |
| 3 | Informal inquiry to Building Commissioner | | | | Building permit is usually not necessary. Church to make informal inquiry to Building Commissioner asking about needing a permit for maintenance painting and cosmetic repair to the steeple. |
| 4 | **Restoring building wood trim** | | | | Replace trim to best match original. Epoxy resins may be used on some rotted wood surfaces rather than replacing entire moldings/trim. |
| 4A | Cornerboards | 14,000 | | | Replace corner boards to match original flat trim. Stock materials to be used. No special order or custom molding fabrication |
| 4B | Water table | 16,250 | | | Replace building water table and flashing to match original. Stock materials to be used. No special order or custom molding fabrication. |
| 4C | South side entry | 2,800 | | | Replace damaged entry trim |
| 4D | Rear T-111 | 4,750 | | | Replace rear foundation-level wood |
| 4E | Front windows and vertical T&G | 9,500 | | | Restore front window trim and T&G by either replacing or with wood hardeners or epoxy resins. |
| 4F | Steeple | 13,500 | | | Repair/replace cosmetically damaged wood to match the orginal. No structural repair work included. |
| 5 | Paint | | | | Historical colors to be determined. Basic color scheme is one color for the body, one color for the trim, and a 3 accent colors. Historical trim features and moldings will not be strippped down to the bare wood. They will receive standard "maintenance painting." |
| 5A | Entire building | 22,325 | | | Prepare and paint siding, trim, doors, and rails |
| 5B | Steeple | 4,370 | | | Prepare and paint steeple |
| 5C | Gutters | | | 4,100 | Paint gutters white if color scheme includes white trim. No warranty on painted gutters. Replace downspouts with white. |
| 6 | Other | | | | |
| 6A | Lift | 4,350 | | | Estimated cost of rental of an 65' lift for one month. Machine size and cost to be confirmed by lift rep. Lift is needed for steeple work, front/rear gable work, and replacing the front cross. |
| 6B | Portable restroom | | | 1,300 | CDC requires onsite toilet and wash station exclusively for construction workers. No cost if the church can provide a bathroom. Up to 3 month rental. |
| 6C | Dumpster | | | 2,000 | Dumpster rental/disposal for construction debris |

# PAINTERS PRIDE Inc.

## Proudly Serving the Religious Community Since 1984

Interior • Exterior • Sanctuaries • Ceilings • Steeples • Gilding











P.O. Box 1100, Framingham MA, 01701 • (508) 958–7732 • bkillam@paintersprideinc.net

Painters Pride, Inc. has completed over 800 projects at more than 175 different churches
We are an approved vendor in the Catholic Archdiocese of Boston and Worcester

## Catholic

Ascension Parish-Our Lady of Fatima –*Sudbury, MA*
Ascension Parish-St. Bridget's-*Maynard, MA*
Blessed Sacrament Catholic Church–*Walpole, MA*
Blessed Sacrament Catholic Parish–*Westford, MA*
Carmelite Sisters Carmel Terrace–*Framingham, MA*
Carmelite Sisters, St. Patrick's Convent–*Framingham, MA*
Carmelite Sisters, St. Patrick's Manor–*Framingham, MA*
Carmelite Sisters, Marian Manor–*South Boston, MA*
Cathedral Church of St. Paul-*Worcester, MA*
Our Lady of Czestochowa Parish-*Worcester, MA*
Our Lady of Lourdes Catholic–*Jamaica Plain, MA*
Sisters of Charity, Elizabeth Seton–*Wellesley, MA*
Sisters of Charity, Mt. St. Vincent–*Wellesley, MA*
St.Andrew's Catholic Church–*Dudley, MA*
St. Anthony's Catholic Church–*Woburn, MA*
St. Anthony of Padua–*Fitchburg, MA*
St. Boniface Church-*Lunenburg, MA*
St. Camillus Chapel–*Whitinsville, MA*
St. Francis Catholic Church–*Dracut, MA*
St. James Catholic Church–*Groton, MA*
St. James Catholic Church–*Wellesley, MA*
St. John the Evangelist Catholic–*Hopkinton, MA*
St. Joseph's Catholic Church–*Medway, MA*
St. Joseph's Catholic Church–*Medford, MA*
St. Joseph's Catholic Church-*Needham, MA*
St. Joseph's Catholic Church–*Pawtucket, RI*
St. Joseph's Catholic Church–*Pepperell, MA*
St. Joseph's Catholic Church–*Quincy, MA*
St. Mary's Catholic Church–*Ayer, MA*
St. Mary's Catholic Church–*Foxborough, MA*
St. Mary's Catholic Church–*Franklin, MA*
St. Mary's Catholic Church–*Holliston, MA*
St. Mary's Catholic Church–*Randolph, MA*
St. Mary's Catholic Church–*Walpole, MA*
St. Michael's the Archangel–*Providence, RI*
St. Patrick Catholic Church–*Providence, RI*
St. Patrick's Catholic Church–*Falmouth, MA*
St. Stephen's Catholic Church–*Framingham, MA*
St. Susanna's Catholic Church–*Dedham, MA*
St. Theresa's Catholic Church–*Sherborn, MA*

## Methodist

Arnold Mills United Methodist Church–*Cumberland, RI*
Blackstone Valley United Methodist–*Northbridge, MA*
Calvary United Methodist Church-*Arlington, MA*
Carter United Methodist Church–*Needham, MA*
Community United Methodist Church–*Wayland, MA*
First United Methodist Church–*Meriden, CT*
First United Methodist Church–*Stoughton, MA*
Fiske Methodist Church–*Natick, MA*
Franklin United Methodist Church-*Franklin, MA*
Monson/Glendale United Methodist Church–*Monson, MA*
United Churches of Westerville (Korean)–*New Haven, CT*
United Methodist Church–*Sudbury, MA*
United Methodist Church–*Wellesley, MA*
United Methodist Church of MV-*Oak Bluffs, MA*
Wesley United Methodist Church–*Salem, MA*

## Congregational

Berkley Congregational Church–*Berkley, MA*
Broad Brook Congregational Church–*Broad Brook, CT*
Central Congregational Church–*Chelmsford, MA*
Central Congregational Church–*Newburyport, MA*
Congregational Church of Needham–*Needham, MA*
Congregational Church of Weston-Weston, MA
East Woodstock Congregational–*East Woodstock, CT*
Edwards Church UCC–*Framingham, MA*
First Congregational Church–*Brimfield, MA*
First Congregational Church–*Hampton, NH*
First Congregational Church–*Millbury, MA*
First Congregational Church–*Rockport, MA*
First Congregational Church–*Winchester, MA*
First Congregational Church–*Woodstock, CT*
Hope Central Church–*Jamaica Plain, MA*
Newton Highlands Congregational–*Newton, MA*
Original Congregational Church–*Wrentham, MA*
Pilgrim UCC Church–*Southborough, MA*
Plymouth Congregational Church–*Belmont, MA*
Plymouth Congregational Church–*Plymouth, CT*
Plymouth UCC–*Framingham, MA*
Second Congregational Church–*West Newton, MA*
South Congregational Church–*Peabody, MA*
Tabernacle Congregational Church–*Salem, MA*
Trinity UCC/American Baptist–*Northborough, MA*
Union Congregational Church–*Taunton, MA*
United Church of Christ–*Cornwall, CT*
United Church of Christ–*Medfield, MA*
United Church of Christ Main Office–*Framingham, MA*
United Parish (UCC) of Auburndale–*Newton, MA*
Wellesley Congregational Church–*Wellesley, MA*

## Unitarian/Federated

Bernardston Unitarian Church–*Bernardston, MA*
Eliot Church–*South Natick, MA*
Federated Church of Ayer–*Ayer, MA*
Federated Church of Christ–*Brooklyn, CT*
Federated Church of Franklin–*Franklin, MA*
Federated Church of Martha's Vineyard-*Edgartown, MA*
First Church of Christ–*Lancaster, MA*
First Church Unitarian–*Leominster, MA*
First Church Unitarian–*Littleton, MA*
First Church of Sterling–*Sterling, MA*
First Parish Church UU–*Kingston, MA*
First Parish Unitarian Church–*Bridgewater, MA*
First Parish Unitarian Church–*Framingham, MA*
First Parish Unitarian Church–*Lexington, MA*
First Parish Unitarian Church–*Milton, MA*
First Parish Unitarian Church–*Needham, MA*
First Parish UU of Ashby–*Ashby, MA*
First Parish UU of Medfield-*Medfield, MA*
First Parish Unitarian Universalists–*Scituate, MA*
First Unitarian Church and Parish–*Dedham, MA*
First Church Roxbury (UU Urban Ministry)–*Roxbury, MA*
First Unitarian Church–*Worcester, MA*
First Religious Society UU–*Newburyport, MA*
Foxborough Universalist Church-*Foxborough, MA*
United First Parish, "Presidents Church"–*Quincy, MA*
Unitarian Church of Hudson & Marlborough, MA
Unitarian Church of Mendon–*Mendon, MA*
Unitarian Universalist Area Church–*Sherborn, MA*
Unitarian Universalists Church–*Provincetown, MA*
Unitarian Universalists Church–*Wellesley, MA*
Unitarian Universalist Church–*Winchendon, MA*

## Episcopal

Christ and Holy Trinity Episcopal Church–*Westport, CT*
Christ Episcopal Church–*Quincy, MA*
Church of the Good Shepherd–*Waban, MA*
Emmanuel Episcopal Church–*Boston, MA*
Emmanuel Episcopal Church-*Wakefield, MA*
Epiphany Episcopal Church–*Walpole, MA*
Grace Episcopal Church–*Stafford Springs, CT*
St. Andrew's Episcopal Church, Hanover, MA
St. Bartholomew's Episcopal Church–*Cambridge, MA*
St. Dunstan's Episcopal Church–*Dover, MA*
St. Elizabeth's Episcopal Church–*Sudbury, MA*
St. James Episcopal Church–*Groton, MA*
St. John's Episcopal Church–*East Windsor, CT*
St. John's Episcopal Church–*Franklin, MA*
St. John's Episcopal Church-*Jamaica Plain, MA*
St. John's Episcopal Church–*Newtonville, MA*
St. John's Episcopal Church–*Saugus, MA*
St. John's Episcopal Church–*Westwood, MA*
St. Luke's Episcopal Church–*Chelsea, MA*
St. Mark's Episcopal Church-*Dorchester, MA*
St. Mark's Episcopal Church–*North Easton, MA*
St. Mary's Episcopal Church–*Newton Lower Falls, MA*
St. Michael's Episcopal Church–*Naugatuck, CT*
St. Paul's Episcopal Church–*Natick, MA*
St. Paul's Episcopal Church–*Brookline, MA*
St. Peter's Episcopal Church–*Beverly, MA*
St. Peter's Episcopal Church–*Weston, MA*
St. Stephen's Episcopal Church–*Boston, MA*
Trinity Episcopal Church–*Hartford, CT*
Trinity Episcopal Church–*Milford, MA*
Trinity Episcopal Church–*Melrose, MA*
Trinity Episcopal Church–*Randolph, MA*
Trinity Episcopal Church–*Shrewsbury, MA*
Trinity Episcopal Church–*Wrentham, MA*

## Other

Albanian Orthodox Church–*Natick, MA*
Andover Baptist Church–*Andover, MA*
All Saints Anglican Church-*Amesbury, MA*
Bethel Lutheran Church–*Worcester, MA*
Burrillville 7th-Day Adventist–*Mapleville, RI*
Christ Lutheran Church–*Natick, MA*
The Christian Science Church–*Dedham, MA*
Church of the Nazarene–*Framingham, MA*
Community of Christ Church–*Lexington, MA*
First Baptist Church-*Grafton, MA*
First Baptist Church–*Holden, MA*
First Baptist Church of Marlborough–*Marlborough, MA*
First Baptist Church–*Weston, MA*
First Baptist Church–*Whitinsville, MA*
First Baptist Church–*Westwood, MA*
First Hopkinton 7th-Day Baptist Church–*Ashaway, RI*
First Lutheran Church–*Malden, MA*
First Presbyterian Church–*Waltham, MA*
First United Baptist Church–*Lowell, MA*
Forest Hills Covenant Church–*Jamaica Plain, MA*
Holy Resurrection Orthodox Church–*Allston, MA*
Holy Annunciation Orthodox Church–*Maynard, MA*
Lutheran Social Services–*Natick, MA*
Nativity of the Ever-Virgin Mary Church–*Chelsea, MA*
New England Bible Church–*North Andover, MA*
St. Paul's Anglican Community Church–*Lawrence, MA*
St. Stephen's Armenian Apostolic–*Watertown, MA*
W. Bridgewater Baptist Church–*West Bridgewater, MA*
Zion Lutheran Church–*Worcester, MA*

# Massachusetts Cultural Resource Information System
# Scanned Record Cover Page



| | |
|---|---|
| **Inventory No:** | FRN.336 |
| **Historic Name:** | Franklin United Methodist Church |
| **Common Name:** | |
| **Address:** | 82 West Central St |
| **City/Town:** | Franklin |
| **Village/Neighborhood:** | Franklin; |
| **Local No:** | |
| **Year Constructed:** | 1872 |
| **Architectural Style(s):** | Gothic Revival; |
| **Use(s):** | Church; |
| **Significance:** | Architecture; Religion; |
| **Area(s):** | FRN.A |
| **Designation(s):** | |
| **Building Materials:** | Roof: Asphalt Shingle;<br>Wall: Glass; Wood; Wood Clapboard; |
| **Demolished** | No |

The Massachusetts Historical Commission (MHC) has converted this paper record to digital format as part of ongoing projects to scan records of the Inventory of Historic Assets of the Commonwealth and National Register of Historic Places nominations for Massachusetts. Efforts are ongoing and not all inventory or National Register records related to this resource may be available in digital format at this time.

The MACRIS database and scanned files are highly dynamic; new information is added daily and both database records and related scanned files may be updated as new information is incorporated into MHC files. Users should note that there may be a considerable lag time between the receipt of new or updated records by MHC and the appearance of related information in MACRIS. Users should also note that not all source materials for the MACRIS database are made available as scanned images. Users may consult the records, files and maps available in MHC's public research area at its offices at the State Archives Building, 220 Morrissey Boulevard, Boston, open M-F, 9-5.

Users of this digital material acknowledge that they have read and understood the MACRIS Information and Disclaimer (http://mhc-macris.net/macrisdisclaimer.htm)

Data available via the MACRIS web interface, and associated scanned files are for information purposes only. THE ACT OF CHECKING THIS DATABASE AND ASSOCIATED SCANNED FILES DOES NOT SUBSTITUTE FOR COMPLIANCE WITH APPLICABLE LOCAL, STATE OR FEDERAL LAWS AND REGULATIONS. IF YOU ARE REPRESENTING A DEVELOPER AND/OR A PROPOSED PROJECT THAT WILL REQUIRE A PERMIT, LICENSE OR FUNDING FROM ANY STATE OR FEDERAL AGENCY YOU MUST SUBMIT A PROJECT NOTIFICATION FORM TO MHC FOR MHC'S REVIEW AND COMMENT. You can obtain a copy of a PNF through the MHC web site (www.sec.state.ma.us/mhc) under the subject heading "MHC Forms."

Commonwealth of Massachusetts
Massachusetts Historical Commission
220 Morrissey Boulevard, Boston, Massachusetts 02125
www.sec.state.ma.us/mhc

This file was accessed on: Saturday, January 27, 2024 at 6:36 PM

FORM B - BUILDING PL FRANK = FRANK WAY

AREA A

FORM NO. 336

MASSACHUSETTS HISTORICAL COMMISSION
80 BOYLSTON STREET
OSTON, MA 02116



Franklin

82 West Central Street

ic Name Franklin United Methodist Churcl

Present church

Original church

PTION

1872

Hurd, History of Norfolk County

Victorian Gothic

ect unknown

Exterior Wall Fabric clapboard

Outbuildings

Major Alterations (with dates)

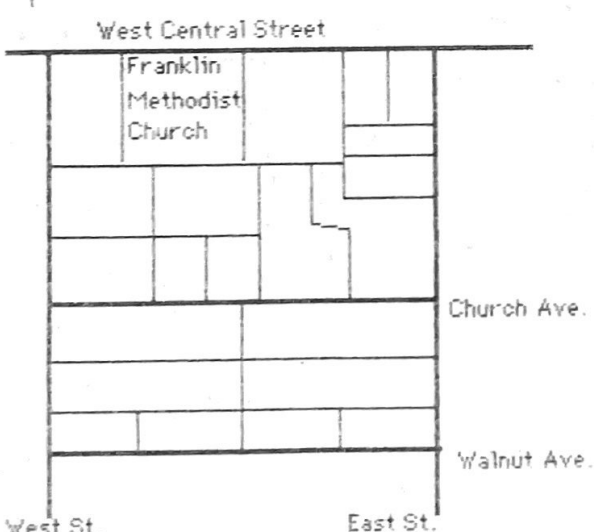
Condition excellent

Moved no Date

Acreage 3/8 acre

Setting on busy street of mixed commercial/ residential across from Town Hall

Sketch Map: Draw map showing property's location in relation to nearest cross streets and/or geographical features. Indicate all buildings between inventoried property and nearest intersection(s).
Indicate north




UTM REFERENCE

USGS QUADRANGLE Franklin

SCALE 1:25,000

Recorded by Christine S. Beard

Organization Franklin Property Improvement Office

Date March, 1989

FRN.336

**NATIONAL REGISTER CRITERIA STATEMENT (if applicable)**

**ARCHITECTURAL SIGNIFICANCE Describe important architectural features and evaluate in terms of other buildings within the community.**

The Franklin United Methodist Church is located on the south side of West Central Street in an area of mixed residential/commercial use opposite the Town Hall. The building is sheathed in clapboard trimmed with narrow cornerboards and rises to a steeply pitched roof. Entries to the church are set in pointed arched openings contained within pavilions at each corner of the building, the western pavilion at the facade rises to a high tower. The facade is dominated by a two-story bay containing a large pointed arched window of stained glass. Side elevations are one story in height and have irregularly-spaced pointed arched windows containing stained glass.

**HISTORICAL SIGNIFICANCE Explain the role owners played in local or state history and how the building relates to the development of the community.**

Methodist meetings were held in Franklin as early as 1856 when Rev. John M. Merrill gathered the congregation in the town hall. Due to a decline in the church, services were suspended in 1857 and not resumed until 1871 when Rev. John R. Cushing of Boston came to Franklin. The cornerstone for the existing church was laid in 1872 at which time the congregation numbered 66.

**BIBLIOGRAPHY and/or REFERENCES**


Sanborn Atlases of Franklin 1894, 1899, 1904, 1911, 1919, 1927
John G. Hales Map of Franklin 1832
Hurd, Duane Hamilton History of Norfolk County 1884
Map of Franklin 1856
Town Valuations various years
Town Bills various years
Town Directories various years

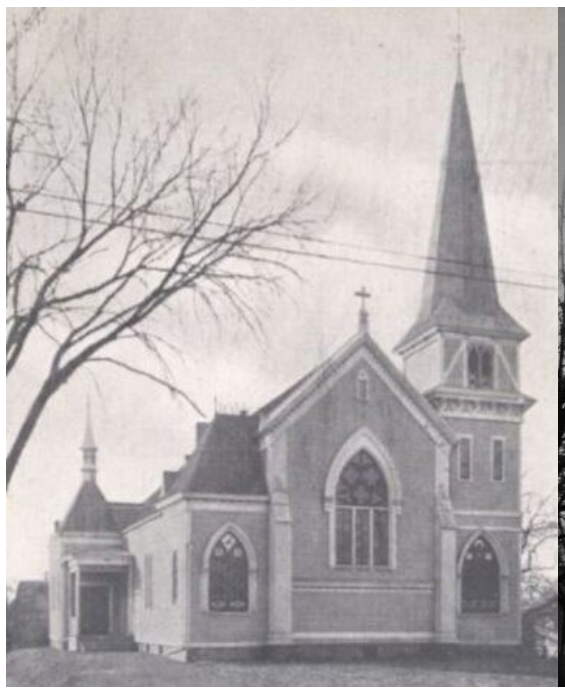

8/85

# Defining Our Generation
## AND OUR FACILITY

The first Methodists gathered in the Franklin Town Hall, in 1853. Unfortunately, after just a few years, the class was discontinued. In 1871, the cause was taken up again, a pastor was appointed, and soon thereafter, in 1872, a building was constructed. It was dedicated on June 23, 1873. For over 170 years, each new generation of Methodists has had to recommit to the cause and give of themselves to sustain the church in Franklin. We stand as heirs to their dedication and hard work in establishing and maintaining the church. It has not always been easy, but each generation has been up to the task. Now is our turn.

We seek to be "a community where all can experience meaningful relationship with God, grow in Christ, and reach out in love to others; a community where all can love and be loved; a community where people can be accepted as they are." This vision propels us forward as we seek to give of ourselves for the sake of the community around us; however, the current state of the building is limiting and creates several challenges. The roof needs to be replaced. The balcony and basement are underutilized spaces due to accessibility constraints. The HVAC system does not condition air nor does it circulate fresh air through the entire building. The kitchen, vestry, and bathrooms need to be updated. Financial reserves must be established to support future ministry and facility needs. Our commitment to addressing these issues will not only define our generation, it will also impact the many generations of Franklin Methodists yet to be.

Now is our time to rise to the challenges of our day. Now is our opportunity to honor the sacrifices of our spiritual forebears by rededicating ourselves to the cause so that a new generation can learn to love God, love neighbor, and be the church.







## Defining Our Generation AND OUR FACILITY Phase I

2019-2023

For over 150 years, our facility has been a place where people have gathered to nurture a meaningful relationship with God and grow in Christ. It is a place from which generations of faithful Methodists have reached out in loving concern to others.

From 2019-2023 we responded to several major issues with our facility that caused disruptions to worship and threatened our ability to serve others. By the grace of God and the generosity of past members, we have been able to address all of these issues and make plans for future renovations and restorations which will help ensure that future generations of Methodists will have 1) a place to worship and 2) a well-appointed building from which they can serve others.

### MAJOR REPAIRS & IMPROVEMENTS

- Fire Alarm Testing & Emergency Light/Sign Upgrade ($5,360)
- Organ Repair—swell, 8' diapason ($2,800)
- New Boiler ($22,175)
- Bathroom Vanity (Basement) & Plumbing Repair ($1,878)
- Main Sewer Line Repair ($12,475)
- Securing the Basement / Door Locks ($3,259)
- New Roof ($63,000)
- Insulate Attic & Crawl Space (est. $15,000)
- Update Sanctuary Lighting to LED (est. $1,500)

### PREPARING FOR PHASE II +

- Architectural Design ($10,700)
- Capital Campaign Consultant ($21,500)

# Defining Our Generation AND OUR FACILITY Phase II

2024-2026

Buildings within the United Methodist tradition are consecrated for the worship of God and the service of all people. Phase II seeks to restore and renovate the primary gathering space in the facility so that the congregation and community can gather comfortably and the building can be used for its consecrated purpose.

Phase II will focus on the renovation of the sanctuary, improving the air-quality in the building, and increasing the endowment.

Acoustic tiles in the sanctuary are beginning to sag and fall. The carpet needs to be replaced. And, improvements need to be made for the accessibility and flexibility of the worship space. The HVAC system is inefficient and limited. Updates to this system will help reduce the humidity in the building and improve indoor air quality by circulating fresh air into the building. The final focus of this phase looks to increase the endowment so that the church can generate perpetual, long-term revenue to sustain the church's mission and vision.

Phase II focuses on making our facility more comfortable and viable in the 21st century for its consecrated purpose: worship and the service of all people.

## SANCTUARY RENOVATION

- Organ Protection
- Repair Sanctuary Ceiling
- Restore Sanctuary Floor
- Install New French-Style Entry Doors
- Light Stained-Glass Windows

## HVAC & AIR QUALITY

- Update HVAC on Main Floor & Second Floor to include circulation of fresh air into facility.

## INCREASE THE ENDOWMENT

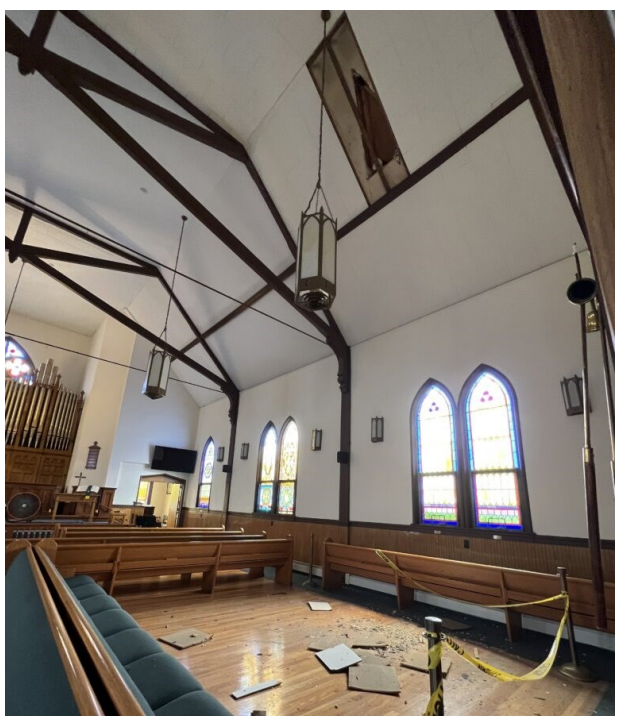
- Increase Endowment by at least 150%

**FUNDRAISING GOAL FOR PHASE II**

# $300,000



The sanctuary decorated for Christmas 2022.



On July 1, 2023, a large section of ceiling tile failed leaving a large hole in the sanctuary ceiling.



On September 11, 2023, the historic tracker organ in the sanctuary, installed in 1905, was partially disassembled—all exposed pipes removed—and the entire case covered in plastic to protect it from falling debris and dust.



The sanctuary was closed for worship in July and remained closed through the end of 2023. Christmas 2023 was celebrated in the vestry.

# Defining Our Generation AND OUR FACILITY Phase III

beginning 2025

In its 150-year history, our facility has only seen one major expansion. A century ago, the church added new classrooms and a kitchen to the rear of its 1870s structure, enhancing its educational programs and fellowship opportunities. With Phase III and Phase IV, the church aims to achieve similar goals.

The current facility struggles to meet the standards set by the Department of Early Education and Care (EEC) and the Americans with Disabilities Act (ADA). The classrooms are cramped, there are not enough bathrooms, and the lower-level is not air-conditioned, has poor air-flow, and is excessively damp in spring and fall.

Phase III will radically update the church's infrastructure: expanding the footprint of the building to include ground-level entry, a lift, and a new church office; renovating the lower-level with upgrades that will make it more welcoming and functional for education in the 21st century; adding two new multi-use rooms to the main-level; and expanding the HVAC system to improve air quality and control moisture in the lower-level.

In August of 2024, the Franklin UMC signed a long-term partnership with Aprende Spanish Immersion. Construction for Phase III is slated to start in Spring 2025, with Aprende opening its new location in Fall 2025.

These exciting changes will provide a beautiful, modern and expanded space for education and community that is fully accessible on both the lower– and main-levels of the facility.

## LOWER-LEVEL RENOVATION

- Renovate to meet current Department of Early Education and Care (EEC) standards
- Install a sink in each classroom
- Create two restrooms that meet Americans with Disability Act (ADA) standards
- Increase Storage Space

## NEW ENTRYWAY

- Create ground-level entry into building
- Install lift to lower-level and main-level to meet Americans with Disability Act (ADA) standards.
- Create a fenced in play area adjacent to new entryway

## HVAC & AIR QUALITY

- Dehumidify & Air Condition Lower-Level

## MODIFIED MAIN-LEVEL

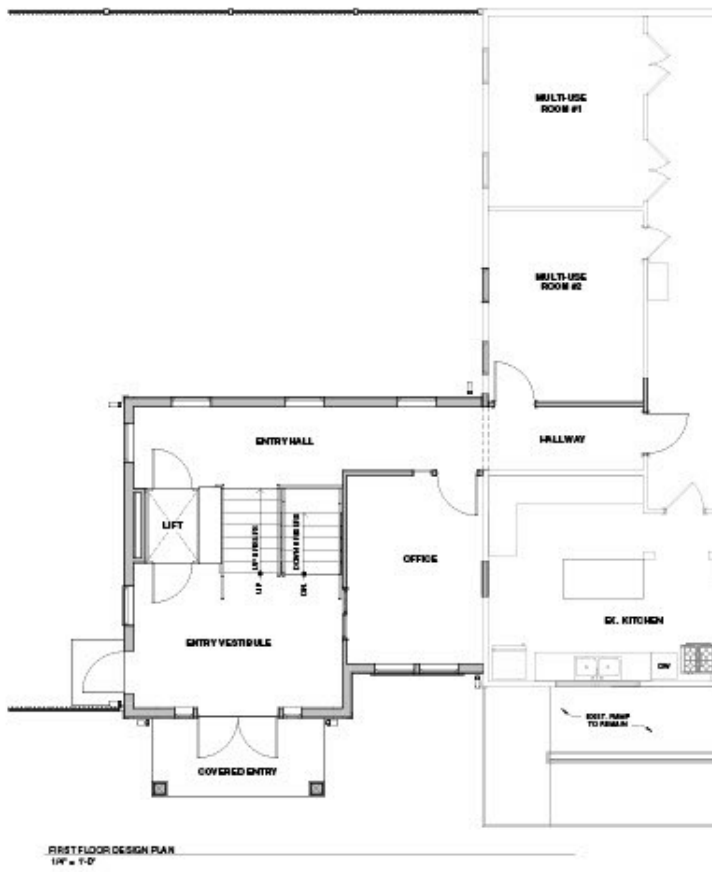
- Create two new multi-use rooms off the Vestry
- Create a new Main Office overlooking the New Entryway
- Move the Pastor's Office adjacent to the Sanctuary

## PREPARING FOR PHASE IV +

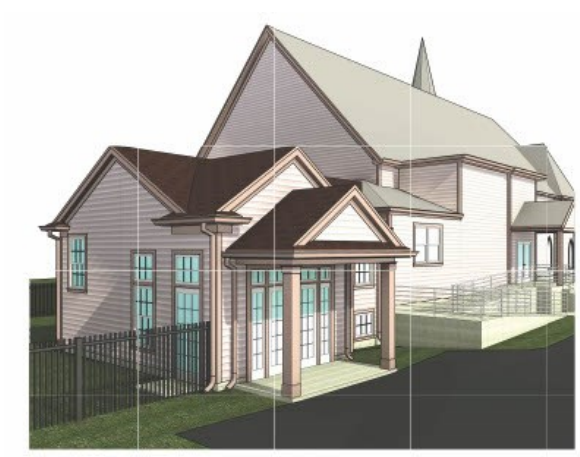
- Architectural design for Phase IV and beyond
- Rough-in plumbing for kitchen and bathrooms in Phase IV +

**THE PRELIMINARY DESIGNS BELOW WERE APPROVED BY CHURCH COUNCIL ON NOVEMBER 10, 2024.**

A CONGREGATIONAL VOTE FOR FINAL CHURCHWIDE APPROVAL IS ANTICIPATED IN JANUARY/FEBRUARY 2025. GROUND BREAKING IS EXPECTED BY SUMMER 2025.



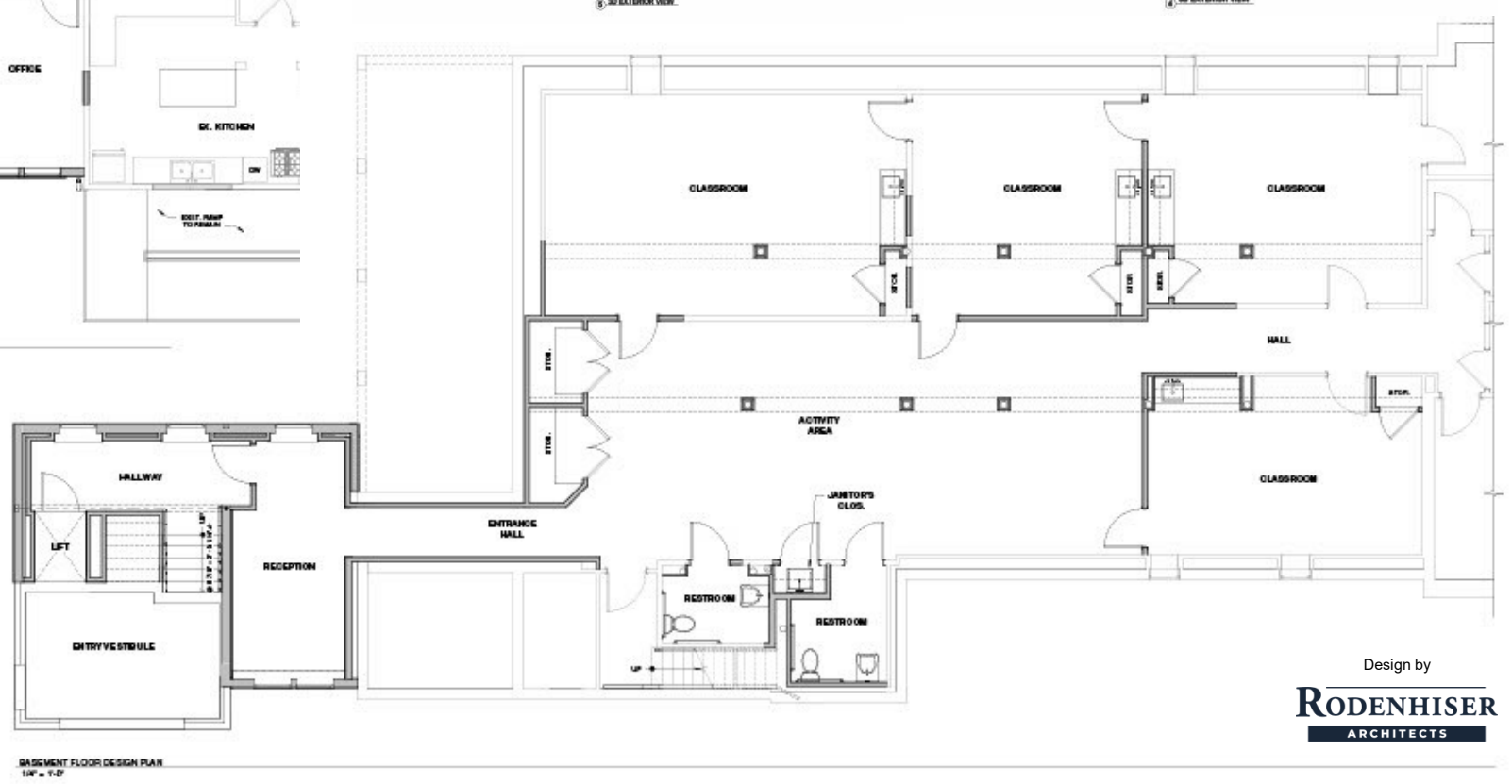

FIRST FLOOR DESIGN PLAN
1/4" = 1'-0"



3D EXTERIOR VIEW



3D EXTERIOR VIEW




BASEMENT FLOOR DESIGN PLAN
1/4" = 1'-0"

iAprende!
SPANISH IMMERSION

**NEW LOCATION**
**OPENING FALL 2025**

Design by
RODENHISER
ARCHITECTS

# Defining Our Generation AND OUR FACILITY Phase IV

Community thrives when people meet, serve, and share with one another. Friends and neighbors cooking, sharing meals, volunteering, or simply chatting—these interactions strengthen our bonds. Phase IV aims to enhance these opportunities by upgrading the kitchen, main-level restrooms, and vestry.

The kitchen was installed in the 1930s and very little has changed. Updating the kitchen with modern commercial appliances will enhance our ability to host community meals, cooking classes, caterers, and events. A well-equipped kitchen fosters collaboration and service. Reconfiguring the current main-level restroom and adding another, ADA-compliant restroom ensures everyone can comfortably participate in our events, making our church a welcoming space for all. The vestry will be renovated to address the sagging ceiling, improve lighting, and update the seating to create an inviting environment for various activities from fellowship gatherings to community meals. New storage for kitchen items, tables, and chairs will help to keep our space organized and functional, supporting the diverse uses of the kitchen, vestry, and sanctuary.

With these improvements Phase IV will create a more welcoming, functional, and inclusive environment, fostering deeper connections where everyone can come together, share experiences, and grow in faith and love.

## KITCHEN RENOVATION

- Creation of a Commercial Commissary Kitchen
- Installation of ANSIL (Fire Prevention) System
- New Commercial Stove, Refrigerator, Dish Washer, and Warming Cabinet.
- Increase Storage
- Replace Windows

## MAIN-LEVEL RESTROOMS

- Create two restrooms that meet Americans with Disability Act (ADA) standards
- Add a hallway so that restroom entry is not in the vestry
- New Stairs to second-level

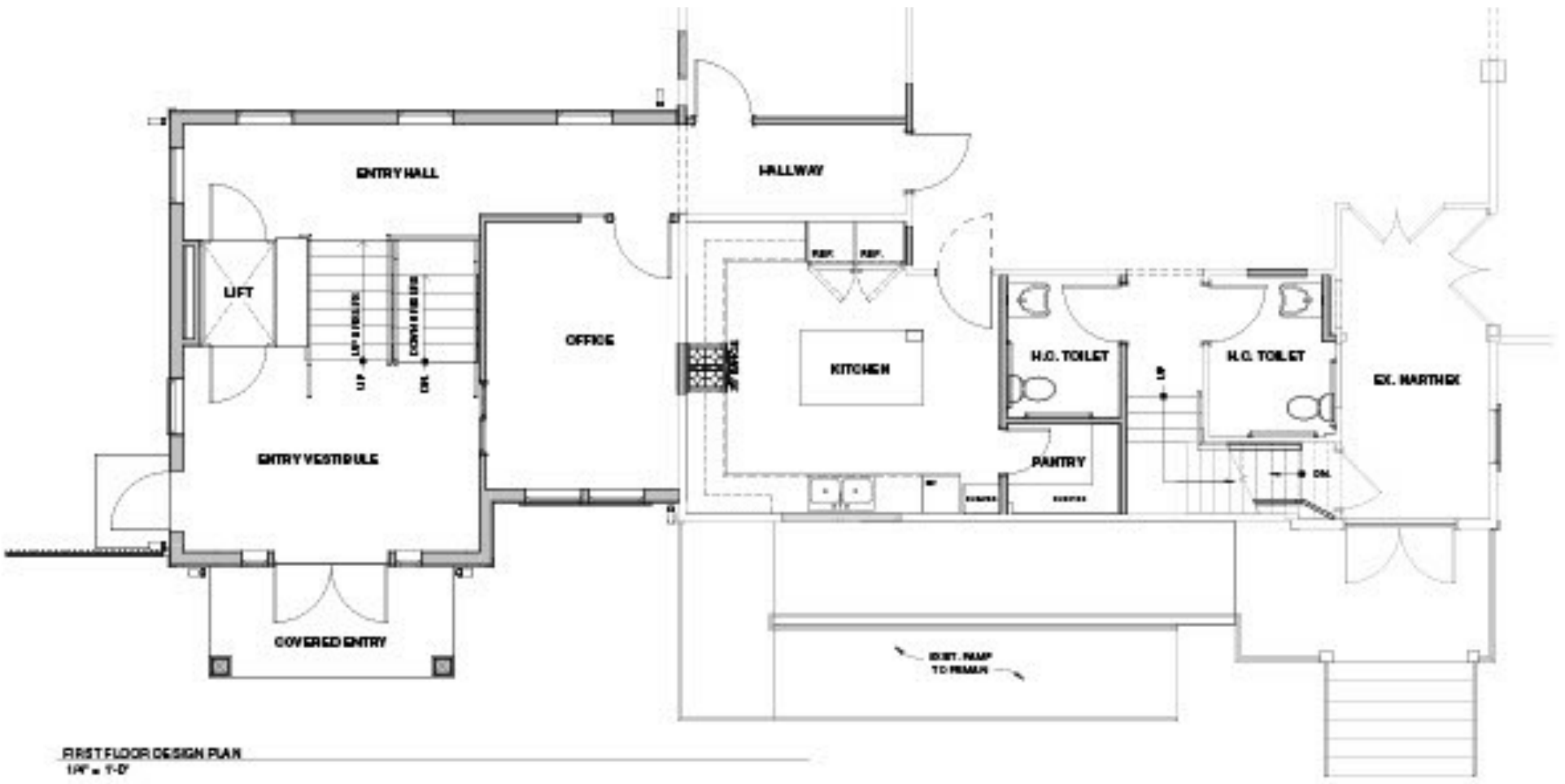
## VESTRY RENOVATION

- Renovate/Replace sagging ceiling
- Update Lighting
- Replace Windows
- Add a Coatroom or Coat Closet
- Purchase new round tables and chairs for Fellowship/Community Meals
- Add storage closet for tables and chairs

## INCREASE THE ENDOWMENT

- Increase Endowment by at least 50%

**THE DESIGN BELOW IS PRELIMINARY AND DOES NOT INCORPORATE THE FULL SCOPE OF PHASE IV.**
**THIS DESIGN SHOWS PROPOSED LOCATION OF NEW BATHROOMS, KITCHEN LAYOUT, AND LOCATION OF NEW STAIRWELL TO SECOND LEVEL**




Design by
RODENHISER ARCHITECTS





# Defining Our Generation AND OUR FACILITY Phase V AND BEYOND

Rev. Robert M. Durkee, who served as pastor of the Franklin Methodists from 1954-1956, once wrote that "Every generation is the heir to those who have gone on before them. And so too, every generation in some way determins [sic] the lives of those who come after them." While the future holds many unknowns, we understand that our actions today can pave the way for future generation to take bold steps of faith, continuing the legacy we proudly uphold.

Our vision propels us into the future as we seek to be a community where all can experience meaningful relationship with God, grow in Christ, and reach out in love to others. We seek to build a community where all can love and be loved, and where everyone (even you!) can be accepted as you are.

Through our Community @Franklin UMC programs, we strive to adapt our outreach efforts to meet the needs of the community around us, to strengthen it by providing opportunities for friends and neighbors to meet, serve, and share with one another. The future possibilities of what we might become are endless so long as we do our best in these moments to be faithful, to embody the love of God found in Jesus Christ.

Phase V and beyond will continue the work of Phases I-IV and further define our generation by equipping our facility to be a hub of community activity, a place not only of spiritual growth but communal development as well, a place where people connect with and support one another, a place where they can both worship and serve the entire community around them.

We pray that God will make us brave to respond faithfully in this moment for the sake of those who will come after us. We pray that God will guide us to meet the new opportunities that await us with courage, love and a resolute faith.

## POTENTIAL
# FUTURE PROJECTS

## EXPAND & MAINTAIN ORGAN
- Establish an Organ Fund
- Install Chimes Stop
- Install Mixture Stop
- Install Zimbelstern

## RESTORE SIDE ENTRYWAY
- Move doors to original, street-facing position
- Restore hip-style roof and install cupola/spire
- Install new ramp and stairs facing W. Central Street

## UPDATE A/V SYSTEM
- Upgrade Public Address (PA) System and hide wires
- Upgrade Microphones
- Purchase a second PTZ camera and camera controller
- New monitors/projectors for sanctuary and vestry
- Install secondary PA system in vestry that links with PA in sanctuary

## PARKING LOT
- Repave the Parking Lot and install granite curb
- Add new signage for handicap, visitor, and 15-minute school pickup parking spots
- Add exterior lighting
- Add public benches
- Add bike racks
- Consider an EV charging station

## NEW OUTSIDE STORAGE SHED OR GARAGE
- Build a new storage shed with garage door
- Run electricity to shed/garage
- Consider a carport space for shaded, outside functions

## NEW EXTERIOR CHURCH SIGN
- New granite posts
- Space for building user logos
- Electronic message board

## RESTORE BALCONY (RENOVATE SECOND-LEVEL)
- Open up second-level to sanctuary for overflow, choir, or orchestra seating
- Create designated A/V Booth
- Create 2 new multi-use rooms; and/or, multiple new offices and storage spaces

## MOVE TOWARD NET-ZERO
- Install solar panels to offset electrical usage and supplement the electrical grid
- Install onsite battery backup for the facility

# Historical Pictures

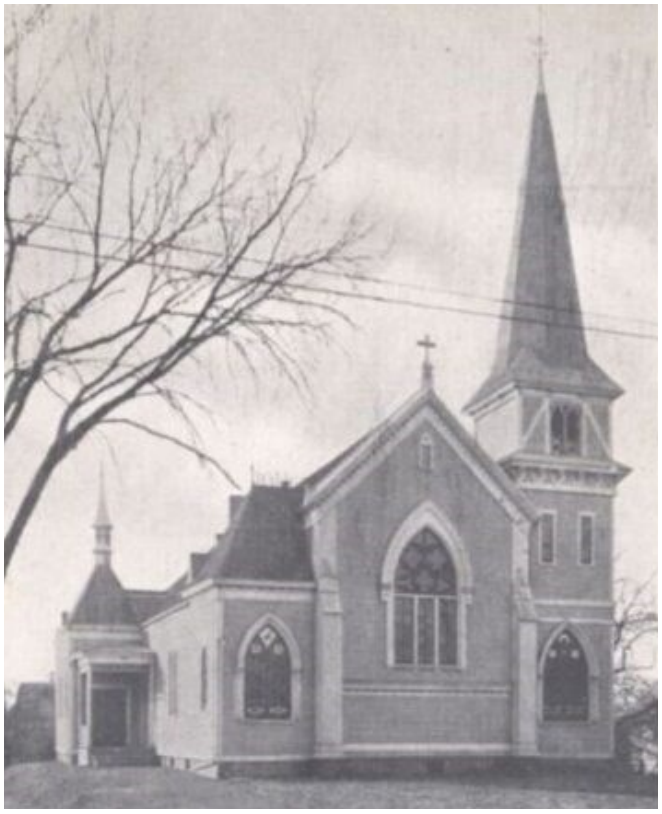
showing the exterior of the Franklin United Methodist Church




This is the oldest known photograph (to the left) we have of the Methodist church in Franklin. It was taken in 1895.



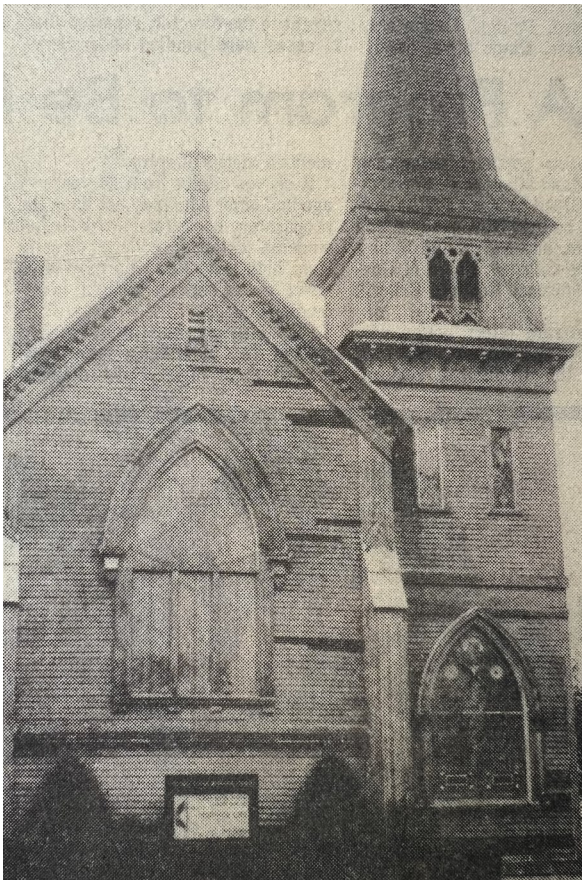
The photo to the right was taken from the Souvenir Programme published for the “Jubilee Mortgage Burning” on April 8, 1901. It shows a relatively unaltered façade, with the addition of what is presumed to be a sign under the center-main stained glass window.



This photo, to the left, was taken ca. 1905. It shows the two “new” stained glass windows, installed in 1903, where there were once front doors. The decorative banding on the steeple roof has been removed.

The photo below was taken ca. 1930. By this time, the exterior color has been changed entirely to white, the second spire has been taken down over the side entrance, and all roof cresting has been removed.





This photo (to the left) was taken from an October 27, 1984, article in the *Woonsocket Call* entitled “Franklin Methodist Church To Sport New 3-Color Look.” This is what the church looked like before being painted beige with a deep brown trim, and “Indian Red” accent color “used to emphasize the gingerbread trim on the church and other highlights.”

The photo below was taken in February 2025. By this time all six skylights that once brought natural light into the sanctuary have been removed along with the center cupola and cross.





This drawing is taken from an 1888 map which offers a birds eye view of Franklin along with drawings of key landmarks, including the Methodist Church.

Each of the three pictures below are taken from postcards. Publishing dates are unknown. The colorized, bottom-right postcard has a postmark from 1921. It was printed by the RI News Company, and is number M18673. The  colorized, left postcard has a by-line for Alfred C. Mason, no. 11297. The black and white photo postcard matches closely and appears to be contemporary with the colorized postcard on the left. Based upon the pictures and records we have of the church these pictures date post-1903, after the installation of the memorial stained glass windows.










Secretary of the Commonwealth of Massachusetts
William Francis Galvin
**Massachusetts Historical Commission**
MACRIS: Massachusetts Cultural Resource Information System

# Historic Building Detail: FRN.336

## Franklin United Methodist Church



| | |
|---|---|
| **MHC ID** | FRN.336 MACRIS Maps for FRN.336 \| Inventory: |
| **Historic Name** | Franklin United Methodist Church |
| **Common Name** | - |
| **Street Address** | 82 West Central St |
| | - |
| **City/Town** | Franklin |
| **Village/Neighborhood** | Franklin; |
| **Local Number** | - |
| **Year Constructed** | 1872 |
| **Architects** | - |
| **Architectural Styles** | Gothic Revival; |
| **Uses** | Church; |
| **Significance** | Architecture; Religion; |
| **Areas** | FRN.A: Franklin Center Inventory: |
| **Designations** | - |
| **Building Materials Roof** | Asphalt Shingle; |
| **Building Materials Wall** | Glass; Wood; Wood Clapboard; |
| **Building Materials Foundation** | - |
| **Demolished** | No |

# Massachusetts Cultural Resource Information System
# Scanned Record Cover Page



| | |
|---|---|
| **Inventory No:** | FRN.336 |
| **Historic Name:** | Franklin United Methodist Church |
| **Common Name:** | |
| **Address:** | 82 West Central St |
| **City/Town:** | Franklin |
| **Village/Neighborhood:** | Franklin; |
| **Local No:** | |
| **Year Constructed:** | 1872 |
| **Architectural Style(s):** | Gothic Revival; |
| **Use(s):** | Church; |
| **Significance:** | Architecture; Religion; |
| **Area(s):** | FRN.A |
| **Designation(s):** | |
| **Building Materials:** | Roof: Asphalt Shingle;<br>Wall: Glass; Wood; Wood Clapboard; |
| **Demolished** | No |

The Massachusetts Historical Commission (MHC) has converted this paper record to digital format as part of ongoing projects to scan records of the Inventory of Historic Assets of the Commonwealth and National Register of Historic Places nominations for Massachusetts. Efforts are ongoing and not all inventory or National Register records related to this resource may be available in digital format at this time.

The MACRIS database and scanned files are highly dynamic; new information is added daily and both database records and related scanned files may be updated as new information is incorporated into MHC files. Users should note that there may be a considerable lag time between the receipt of new or updated records by MHC and the appearance of related information in MACRIS. Users should also note that not all source materials for the MACRIS database are made available as scanned images. Users may consult the records, files and maps available in MHC's public research area at its offices at the State Archives Building, 220 Morrissey Boulevard, Boston, open M-F, 9-5.

Users of this digital material acknowledge that they have read and understood the MACRIS Information and Disclaimer (http://mhc-macris.net/macrisdisclaimer.htm)

Data available via the MACRIS web interface, and associated scanned files are for information purposes only. THE ACT OF CHECKING THIS DATABASE AND ASSOCIATED SCANNED FILES DOES NOT SUBSTITUTE FOR COMPLIANCE WITH APPLICABLE LOCAL, STATE OR FEDERAL LAWS AND REGULATIONS. IF YOU ARE REPRESENTING A DEVELOPER AND/OR A PROPOSED PROJECT THAT WILL REQUIRE A PERMIT, LICENSE OR FUNDING FROM ANY STATE OR FEDERAL AGENCY YOU MUST SUBMIT A PROJECT NOTIFICATION FORM TO MHC FOR MHC'S REVIEW AND COMMENT. You can obtain a copy of a PNF through the MHC web site (www.sec.state.ma.us/mhc) under the subject heading "MHC Forms."

Commonwealth of Massachusetts
Massachusetts Historical Commission
220 Morrissey Boulevard, Boston, Massachusetts 02125
www.sec.state.ma.us/mhc

This file was accessed on: Saturday, January 27, 2024 at 6:36 PM

NOTICE: All slip opinions and orders are subject to formal revision and are superseded by the advance sheets and bound volumes of the Official Reports. If you find a typographical error or other formal error, please notify the Reporter of Decisions, Supreme Judicial Court, John Adams Courthouse, 1 Pemberton Square, Suite 2500, Boston, MA, 02108-1750; (617) 557-1030; SJCReporter@sjc.state.ma.us

SJC-12274

GEORGE CAPLAN & others[1] vs. TOWN OF ACTON.

Middlesex. September 7, 2017. - March 9, 2018.

Present: Gants, C.J., Lenk, Gaziano, Budd, Cypher, & Kafker, JJ.

Constitutional Law, "Anti-aid" amendment. Massachusetts Community Preservation Act. Historic Preservation. Church.

Civil action commenced in the Superior Court Department on July 7, 2016.

A motion for a preliminary injunction was heard by Leila R. Kern, J.

The Supreme Judicial Court granted an application for direct appellate review.

Douglas B. Mishkin, of the District of Columbia (Joshua Counts Cumby & Alex Luchenitser, of the District of Columbia, & Russell S. Chernin also present) for the plaintiffs.

Nina L. Pickering-Cook (Arthur P. Kreiger also present) for the defendant.

[1] Jim Conboy, G. Stodel Friedman, Daniel Gilfix, Maria Greene, Jesse Levine, Dave Lunger, Allen Nitschelm, Scott Smyers, William Alstrom, Jennifer Brown, William Brown, and David Caplan.

The following submitted briefs for amici curiae:

Daniel Mach, of the District of Columbia, Anthony M. Doniger, Kate R. Cook, & Sarah R. Wunsch for American Civil Liberties Union & another.

Maura Healey, Attorney General, David C. Kravitz, Assistant State Solicitor, & Matthew P. Landry, Assistant Attorney General, for the Attorney General.

Eric C. Rassbach, of the District of Columbia, Joseph C. Davis, of Louisiana, Daniel D. Benson, of Utah, & Mark L. Rienzi for Becket Fund for Religious Liberty.

Thomas A. Mullen for Massachusetts Municipal Law Association & another.

Thaddeus A. Heuer & Andrew London for National Trust for Historic Preservation.

Ryan P. McManus & M. Patrick Moore for Boston Preservation Alliance & others.

GANTS, C.J. Article 18 of the Amendments to the Massachusetts Constitution, as amended by arts. 46 and 103 of the Amendments, known as the "anti-aid amendment," prohibits in § 2, cl. 2, the "grant, appropriation or use of public money . . . for the purpose of founding, maintaining or aiding any church, religious denomination or society." This case presents the question whether two grants of public funds to renovate an active church that has been identified as a "historic resource" under the Community Preservation Act (act), G. L. c. 44B, are categorically barred by the anti-aid amendment, or whether the constitutionality of such grants must be evaluated under the three-factor test we have applied under Commonwealth v. School Comm. of Springfield, 382 Mass. 665, 675 (1981) (Springfield), to payments made to other private institutions. Also presented

is the follow-up question: if the three-factor test applies, do the grants satisfy its requirements?

We conclude that the constitutionality of such grants must be evaluated under our three-factor test: a judge must consider whether a motivating purpose of each grant is to aid the church, whether the grant will have the effect of substantially aiding the church, and whether the grant avoids the risks of the political and economic abuses that prompted the passage of the anti-aid amendment. We also conclude that, in light of the history of the anti-aid amendment, a grant of public funds to an active church warrants careful scrutiny. Because the judge applied this three-factor test incorrectly in denying the plaintiffs' motion for a preliminary injunction to prohibit disbursement of these grants, we vacate the order denying the motion. As to the grant to preserve the stained glass windows in the main church building, we remand the case to the Superior Court for entry of an order allowing the plaintiffs' motion for a preliminary injunction barring disbursement of the grant. As to the grant to fund a "Master Plan" to preserve all three of the buildings belonging to the church, we remand for further proceedings consistent with this opinion.[2]

---

[2] We acknowledge the amicus brief filed in support of the plaintiffs by the American Civil Liberties Union and ACLU of Massachusetts. We acknowledge the amicus briefs filed in

Background. The Acton Congregational Church (church), an affiliate of the United Church of Christ, is an active church with a congregation of over 800 members. It describes its mission thusly:

> "The mission of Acton Congregational Church . . . is to preach and teach the good news of the salvation that was secured for us at great cost through the life, death, and resurrection of Jesus. The church encourages each individual to accept the gift of Christ and to respond to God's love by taking part in worship, ministry to one another, and the Christian nurture of people of all ages. With the guidance of the Holy Spirit, we are called as servants of Christ to live our faith in our daily lives and to reach out to people of this community and the world with love, care, and concern for both their physical and spiritual needs."

The church stands in the Acton Centre Historic District (historic district), an area that has served as a center of town life since the establishment of the town of Acton (town) in 1735. The church owns and maintains three adjacent buildings in the historic district: the main church building, the John Fletcher House, and the Abner Hosmer House. The main church building was built in 1846. Today, it is used for worship services and religious educational programs; it also houses a local day care center, meeting spaces for various community

---

support of the town of Acton (town) by the Attorney General; the Becket Fund for Religious Liberty; the Massachusetts Municipal Law Association and Community Preservation Coalition; the National Trust for Historic Preservation; and the Boston Preservation Alliance, Historic Boston Incorporated, Historic New England, North Bennet Street School, and Preservation Massachusetts.

groups, and a thrift shop. The two houses, also built in the mid-Nineteenth Century, originally were private residences but were later acquired by the church and are now rented to local families.

The town is one of 172 municipalities in Massachusetts that have adopted the act, which establishes a mechanism for funding projects relating to open space, historic resources, and community housing.[3] G. L. c. 44B. In 2015, the church submitted two grant applications to the town's Community Preservation Committee (committee), which makes recommendations in accordance with the act to the town meeting regarding "the acquisition, preservation, rehabilitation and restoration of historic resources."[4] G. L. c. 44B, § 5 (b) (2). See G. L. c. 44B, § 7.

The church's first application was for a $49,500 grant to fund a "Master Plan for Historic Preservation" for all three of

---

[3] Municipalities that adopt the Community Preservation Act (act), G. L. c. 44B, must establish a local preservation fund, which is funded through a surcharge on local property taxes, id. at § 4, and through disbursements from a State-administered trust fund that is funded through a Statewide surcharge on all real estate transactions at the State's Registries of Deeds, id. at § 8. See Community Preservation Coalition, CPA Trust Fund, http://www.communitypreservation.org/content/trustfund [https://perma.cc/Y7XF-VQRZ].

[4] The act defines "historic resources" as "a building, structure, vessel, real property, document or artifact that is listed on the [S]tate register of historic places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of a city or town." G. L. c. 44B, § 2.

its buildings (the Master Plan grant). The church proposed to hire an architectural consultant to develop a plan for their renovation and preservation; the proposed work would include "a thorough assessment of the [c]hurch building envelope, including windows, doors, siding, roof, chimney, bell tower, skylights, and fire escapes." The church noted "[s]pecific areas of concern" for the building, including its bell tower and brass chandelier.

The church's second application was for a $51,237 grant to fund the restoration and preservation of the main church building's stained glass windows, which were installed in 1898 (the stained glass grant). According to the church's application, the "most prominent" of the windows depicts Jesus and a kneeling woman; another window features a cross and the hymnal phrase, "Rock of Ages Cleft for Me." The proposed work would include replacing parts of the glass, sealing the glass, and installing new glazing so that the windows -- which currently have a "cloudy" exterior and "cannot be appreciated outside the church" -- will be given "complete transparency."

The church explained in its applications that, due to declining membership and contributions, it lacked the funds necessary both to preserve its buildings and to fully serve the needs of its congregation without financial assistance from the town:

> "As you may know, mainstream churches have not been growing for years, and the financial strain is significant. [The church] has weathered the storm better than many churches, but the reality is that we have had to cut programs and personnel. The cuts can further exacerbate the financial problem by not offering the congregation what draws them to their church. With that in mind, the long list of maintenance and capital improvement projects get[s] delayed before we cut programs, but there are many things that we've had to fix."

Consistent with the requirements of the act, the committee held a public hearing on the church's applications and voted unanimously to recommend the two grants. The town approved them both at a town meeting.

The town imposed several conditions on the grants. First, it required that the church convey to the town a "historic preservation restriction" in the buildings that would be "perpetual to the extent permitted by law." Second, it specified that no funds would be disbursed to the church except as reimbursements for specific expenses incurred in connection with the projects, and only after the town could verify, based on submitted invoices, that those expenses were "consistent with the project scope presented" in the church's applications.

The plaintiffs, a group of town taxpayers, commenced this action in the Superior Court under G. L. c. 40, § 53, which permits taxpayers to act "as private attorneys general" to enforce laws designed to prevent abuse of public funds by local governments. LeClair v. Norwell, 430 Mass. 328, 332 (1999).

The plaintiffs sought a declaratory judgment that the grants to the church violate the anti-aid amendment, and requested injunctive relief to prevent their disbursement.[5]

In denying the plaintiffs' motion for a preliminary injunction, the judge relied on the three-factor test we first set forth in Springfield, 382 Mass. at 675. We applied the test in that case to determine whether a statute that authorized the public funding of special education placements of public school students in private schools violated the anti-aid amendment. Id. at 667. The three factors are: "(1) whether the purpose of the challenged statute is to aid private schools; (2) whether the statute does in fact substantially aid such schools; and (3) whether the statute avoids the political and economic abuses which prompted the passage of [the anti-aid amendment]." Id. at 675.[6] We cautioned that these factors "are not 'precise limits to the necessary constitutional inquiry,' but are instead guidelines to a proper analysis." Id., quoting Colo v.

---

[5] In their complaint, the plaintiffs also challenged the town's proposed $15,000 grant to South Acton Congregational Church, another active church located in Acton. South Acton Congregational Church has since withdrawn its application for that grant; on appeal, the plaintiffs challenge only the grants to the Acton Congregational Church.

[6] The judge described these as "the three factors outlined in Helmes v. Commonwealth, 406 Mass. 873, 876 (1990)"; the court in Helmes quoted the factors set forth in Commonwealth v. School Comm. of Springfield, 382 Mass. 665, 675 (1981) (Springfield).

Treasurer & Receiver Gen., 378 Mass. 550, 558 (1979). We also recognized that each factor was "interrelated," and that any conclusion "results from a balancing" of the factors as applied to the facts of each case. Springfield, supra at 675.

The judge here determined that the plaintiffs bore a heavy burden to overcome the presumption of the act's constitutionality because, although the plaintiffs were challenging the constitutionality of the grants to the church, those grants were awarded pursuant to the act. Thus, as to the first factor, the judge determined that she must "examine the purpose of the [act]," and concluded that the purpose of the grants under the act was "to preserve historic resources, and not to aid the [c]hurch[]." As to the third factor, the judge found that "[t]here is no credible evidence that the grants under the [act] are economically or politically abusive or unfair," noting that "[t]he application and approval procedures for grants under the [act] operate without regard to the applicant's makeup or purpose." The judge concluded that, even if the plaintiffs were to satisfy the second factor, which she was "not convinced they can," they still had "no likelihood of success on the merits" because their failure to satisfy the first and third factors "preclud[ed] them from overcoming the presumption of constitutionality that favors the [act]."

The judge also granted the town's motion for a protective order to stay discovery until thirty days after entry of a decision on the preliminary injunction. The plaintiffs appealed from the denial of their motion for a preliminary injunction and the allowance of the protective order. We granted their application for direct appellate review.

Discussion. In a taxpayer suit such as this, the taxpayers collectively are acting as a private attorney general seeking under G. L. c. 40, § 53, "to enforce laws relating to the expenditure of tax money by the local government." LeClair, 430 Mass. at 332. In order to obtain a preliminary injunction, the plaintiffs must show a likelihood of success on the merits and that the requested relief would be in the public interest; they need not demonstrate irreparable harm. See id. at 331-332.

The plaintiffs claim that the judge made two errors of law in her decision denying their motion for a preliminary injunction. First, they argue that the judge erred by applying the three-factor test articulated in Springfield, contending that this test only applies where the challenged grant of public funds is to aid a private school or institution, and not where the challenged grant is to aid a church. Second, they contend that, even if the three-factor test properly applies to public aid to churches, the judge misapplied the test. To rule on

these claims of error, we must look first to the history and evolution of the anti-aid amendment.

1. The history and evolution of the anti-aid amendment. Our original Declaration of Rights, adopted in 1780, provided in art. 3 for the direct public support of religion, continuing the Colonial practice of using tax revenues to support the "public Protestant teachers of piety, religion and morality[,]" see Colo, 378 Mass. at 556 n.10, which essentially meant support of the Congregational Church. See T.J. Curry, The First Freedoms, Church and State in America to the Passage of the First Amendment, 163-164, 174-175 (1986) (Curry); S.E. Morison, A History of the Constitution of Massachusetts 24 & n.1 (1917) (Morison).[7]

Even before it was mandated by the Declaration of Rights in 1780, the "quasi-religious establishment" of the Congregational Church had provoked heated conflict. Id. at 24. See generally

[7] Article 3 of the Massachusetts Declaration of Rights originally provided, in relevant part, that "the [L]egislature shall . . . authorize and require[] the several towns, parishes, precincts, and other bodies politic . . . to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion and morality." Because Congregationalists were the overwhelming majority of the population in Massachusetts at the time, art. 3 functioned as a de facto general assessment in favor of the Congregational Church. See T.J. Curry, The First Freedoms, Church and State in America to the Passage of the First Amendment, 163-164 (1986); S.E. Morison, A History of the Constitution of Massachusetts 24 & n.1 (1917).

1 W.G. McLoughlin, New England Dissent 1630-1833, The Baptists and the Separation of Church and State, 547-568 (1971) (McLoughlin). During the American Revolution, Baptists protested the religious assessments with acts of civil disobedience; in retaliation, mobs attacked them on the pretext that they were Tories. See Curry, supra at 163. When the Constitution was submitted to the people for ratification, forty-five towns rejected art. 3, most of them because it provided public support to the Congregational Church. See id. at 167-169; McLoughlin, supra at 626-631. After art. 3 was enacted, the Baptists challenged the religious assessments in court, and other denominations followed. See McLoughlin, supra at 636-659.

After decades of "lawsuits, bad feeling, and petty persecution," Morison, supra at 24, the Massachusetts Constitution was amended in 1833 with art. 11 of the Amendments enacted to substitute for art. 3. Article 11 guarantees the equal protection of "all religious sects and denominations" -- not just the Christian denominations protected under art. 3 -- and effectively ended religious assessments. The next year, the Legislature enacted a statute providing that "no citizen shall be assessed or liable to pay any tax for the support of public worship . . . to any parish or religious society whatever, other

than to that of which he is a member." St. 1834, c. 183, § 8. See Morison, supra at 38-39.

But the issue of public support for religious institutions was far from resolved by art. 11. It was raised again in the Constitutional Convention of 1853, which adopted art. 18 of the Amendments to prevent the appropriation of public funds to sectarian schools.[8] See 3 Debates and Proceedings in the State Convention 1853, at 613-626 (1853) (Debates of 1853); Morison, supra at 59. The debates from the Convention indicate that art. 18 did not arise in response to any actual funding of sectarian schools in Massachusetts, but from fear of the sectarian conflict that would result if such funding were to occur. See Debates of 1853, supra at 615, 618-620.[9]

---

[8] Article 18 of the Amendments, as adopted by the 1853 Convention and ratified in 1855, provides:

> "All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance exclusively of its own schools."

[9] As one opponent to art. 18 stated, "[T]here has been nothing sectarian heretofore in the division of the public moneys." 3 Debates and Proceedings in the State Convention 1853, at 614 (1853) (Debates of 1853). Another delegate added, "Nobody asserts that such is the case; but somebody imagines that such a state of things may arise in the future; that

The delegates worried that competing claims from various denominations would quickly deplete public funds for education. In the words of one delegate: "[I]f we take the position that a part of this fund may be given to one denomination, another may come in and claim the same privilege, and another, and another, until the fund is completely exhausted . . . ." Id. at 620. But the delegates were equally fearful of the political controversies that were bound to ensue. See id. at 619, 624. One delegate warned that making public funds available to religious institutions would be like throwing "a firebrand into . . . town meetings." Id. at 624. The "object" of art. 18, he explained, was "to extinguish [that] firebrand, so that it shall not be possible to rekindle it." Id. Having seen until 1833 how public financial support for churches could provoke such animosity between citizens, the delegates were eager to remove the controversial issue of religion from politics. See id. at 624-625.

---

sectarian schools are going to be established; that some new sect may outvote the Protestants, and claim the school fund. . . . We contend that it is all right now, but we are afraid of something ahead." Id. at 615-616. A supporter of art. 18 acknowledged that "no efforts have been made to establish sectarian schools," but pointed out that "other States have been afflicted" with such developments and that "it would be well to consider whether, in this State, . . . it is not our best policy to guard against it in time." Id. at 619.

In fact, religious tensions were on the rise in 1853, as Massachusetts faced a massive influx of immigrants, most of them driven here from Ireland by the famine caused by a potato blight that devastated the nation's harvest. See generally O. Handlin, Boston's Immigrants, A Study in Acculturation, 25-53 (rev. ed. 1979). In 1841, about 10,000 Irish immigrants arrived in Boston; in 1846, that number had risen to more than 65,000. Id. at 242. By 1850, more than one-fourth of Boston residents were Irish. Id. at 243. Hostility toward Irish Catholics grew among those who felt threatened by the combined forces of mass immigration, urbanization, and industrialization. See Haynes, The Causes of Know-Nothing Success in Massachusetts, 3 Am. Hist. Rev. 67, 70-76 (1897) (Haynes). Rumors spread about a "papal plot" to spread Catholic influence throughout the government and in particular the public school system. See Holt, The Politics of Impatience: The Origins of Know Nothingism, 60 J. Am. Hist. 309, 323-324 (1973). These anti-Catholic sentiments were well known to the framers of art. 18. Indeed, some delegates believed (and historians today agree) that art. 18 was itself targeted specifically against Catholic schools.[10] See Debates of

[10] In the words of one delegate: "Every-body knows [art. 18] appears to be aimed at one class of our citizens, one denomination of religion. Nobody has intimated any apprehension that money would be used for the benefit of Protestant sectarianism. . . . [Article 18 has been] discussed[] in

1853, supra at 615-617; J.R. Mulkern, The Know-Nothing Party in Massachusetts, The Rise and Fall of a People's Movement, 42 (1990) (Mulkern); Shapiro, The Conservative Dilemma, The Massachusetts Constitutional Convention of 1953, 33 New Eng. Q. 207, 224 (1960). See also Wirzburger v. Galvin, 412 F.3d 271, 281 (1st Cir. 2005), cert. denied, 546 U.S. 1150 (2006).

It bears noting that art. 18, along with all the amendments adopted by the 1853 Convention, failed to be ratified by the people in 1853. Morison, supra at 63. However, in 1854, the Know-Nothing Party, running on an anti-foreign and in particular an anti-Catholic platform, won a surprising political victory in Massachusetts that secured both the governorship and control of the Legislature. See Haynes, supra at 67-68. Article 18 was revived by the Know-Nothing government, Mulkern, supra at 94, 105-106, and ratified by special election in 1855, Morison, supra at 64.

However, the adoption of art. 18 did not end the controversy over public support for religious institutions. Public dissatisfaction with art. 18 grew when, due to its "rather uncertain language," private religious schools and hospitals continued to receive public funding. Bloom v. School Comm. of Springfield, 376 Mass. 35, 39 (1978). See Loring, A

---

relation to the support of Catholic schools . . . ." Debates of 1853, supra at 615.

Short Account of the Massachusetts Constitutional Convention 1917-1919, 6 New Eng. Q. 1, 10 (1933). In 1913, the Legislature requested this court's opinion on whether art. 18 "adequately prohibit[ed]" the appropriation of public funds "for maintaining or aiding any church, religious denomination or religious society, or any institution, school, society or undertaking which is wholly or in part under sectarian or ecclesiastical control." Opinion of the Justices, 214 Mass. 599, 599-560 (1913). The Justices were in agreement that art. 18 prohibited appropriations to primary and secondary schools under sectarian control, but not to schools of higher education. Id. at 601. The Justices were divided, however, on whether art. 18 allowed appropriations to a church or religious denomination; four Justices were "of opinion that such an appropriation is prohibited by the Constitution and its Amendments," while three Justices "incline[d] to the opposite conclusion." Id.

Faced with this uncertainty, delegates to the Constitutional Convention of 1917 sought "to tighten the prohibition of public support for religious education" and "to protect State and municipal treasuries from the growing pressure of interest groups in search of private appropriations." Springfield, 382 Mass. at 673. The result was art. 46 of the Amendments, a substantially revised version of art. 18 that was "sweeping in its terms." Bloom, 376 Mass. at 39. Article 46

broadened the prohibition on the use of public funds to encompass not only private religious schools but all private institutions, whether secular or religious, and, in the last clause of § 2, specifically prohibited the "grant, appropriation or use of public money . . . for the purpose of founding, maintaining or aiding any church, religious denomination or society."[11]

By its terms, the revised anti-aid amendment applied to all institutions not under public control. Its proponents

---

[11] As amended by art. 46 of the Amendments in 1917, art. 18, § 2, provided:

> "All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the [C]ommonwealth for the support of common schools shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is expended; and no grant, appropriation or use of public money or property or loan of public credit shall be made or authorized by the [C]ommonwealth or any political division thereof for the purpose of founding, maintaining or aiding any other school or institution of learning, whether under public control or otherwise, wherein any denominational doctrine is inculcated, or any other school, or any college, infirmary, hospital, institution, or educational, charitable or religious undertaking which is not publicly owned and under the exclusive control, order and superintendence of public officers or public agents authorized by the [C]ommonwealth or federal authority or both, [with exceptions not relevant here]; and no such grant, appropriation or use of public money or property or loan of public credit shall be made or authorized for the purpose of founding, maintaining or aiding any church, religious denomination or society."

recognized that, in the fight over public funds, private institutions of all kinds -- whether religious or not -- were equally likely to compete. See 1 Debates in the Massachusetts Constitutional Convention, 1917-1918, at 62-70, 163-168 (1919) (Debates of 1917-1918). As one of the amendment's chief supporters explained during the debates: "[I]f you let the bars down everything else will come in." Id. at 118. The decision to appropriate funds to one private institution would lead to "a thousand other[s]" asking for the same. Id. The anti-aid amendment was intended to keep those bars up, protecting public funds from religious and secular institutions alike.[12]

Still, the delegates to the Convention voiced many concerns that were specific to religious institutions, as reflected in the last clause of § 2 of the revised anti-aid amendment. As we have summarized in the past:

> "Proponents of [the anti-aid amendment] urged that liberty of conscience was infringed whenever a citizen was taxed to support the religious institutions of others; that the churches would benefit in independence and dignity by not relying on governmental support; and, more generally or colloquially, that to promote civic harmony the irritating question of religion should be removed from politics as far

[12] Several efforts were made during the 1917 Convention to modify the wording of art. 46, to permit funding of nonsectarian private schools and secular institutions such as museums and libraries. These efforts were rejected. See R.L. Bridgman, The Massachusetts Constitutional Convention of 1917, at 26-29 (1923); Shattuck, Martin Lomasney in the Constitutional Convention of 1917-1919, 71 Proceedings of the Mass. Hist. Soc'y 299, 303 (1959).

> as possible, and with it the unseemly and potentially dangerous scramble of religious institutions for public funds in ever-increasing amounts."

Bloom, 376 Mass. at 39, citing Debates of 1917-1918, supra at 68, 74-79, 161-164.

The anti-aid amendment that emerged from the 1917 Convention is the amendment -- with some revisions adopted in 1974, not relevant here[13] -- that applies today. It currently provides:

> "No grant, appropriation or use of public money or property or loan of credit shall be made or authorized by the [C]ommonwealth or any political subdivision thereof for the purpose of founding, maintaining or aiding any infirmary, hospital, institution, primary or secondary school, or charitable or religious undertaking which is not publicly owned and under the exclusive control, order and supervision of public officers or public agents authorized by the [C]ommonwealth or federal authority or both, [with exceptions not relevant here]; and no such grant, appropriation or use of public money or property or loan of public credit shall be made or authorized for the purpose of founding, maintaining or aiding any church, religious denomination or society."[14]

Art. 18, § 2, as amended by arts. 46 and 103.

---

[13] Article 18 was further amended by art. 103 of the Amendments in 1974 to eliminate the opening clause of the previous version and to allow grants-in-aid to private institutions of higher education and their students. See Bloom v. School Comm. of Springfield, 376 Mass. 35, 40-41 & n.11 (1978).

[14] Section 1 of art. 18, as amended by art. 46, also added during the 1917 Convention, provides that "[n]o law shall be passed prohibiting the free exercise of religion."

2. Does the three-factor test in Springfield apply to public aid to churches? Section 2 of the anti-aid amendment contains two clauses: the first clause prohibits the grant of public funds "for the purpose of founding, maintaining or aiding" any institution that is not publicly owned or under exclusive public control, including schools and hospitals; the second clause prohibits the grant of public funds "for the purpose of founding, maintaining or aiding any church, religious denomination or society." Art. 18, § 2, as amended by arts. 46 and 103. The plaintiffs contend that the three-factor test in Springfield applies only where the challenged grant of public funds is to a private school or institution under the first clause, and should not be applied where the challenged grant is to an active house of worship under the second clause, as in this case. Rather, the plaintiffs argue that the second clause requires an "unequivocal and unqualified" ban on the grant of public funds to churches. We disagree.

This is the first time that we have been asked to consider the constitutionality of a grant of public funds to a church under the second clause of the anti-aid amendment. All of our prior decisions under the anti-aid amendment since its revision in 1917 have considered the actual or contemplated grant of public funds or assistance to private schools or institutions under the first clause. See Helmes v. Commonwealth, 406 Mass.

873, 874 (1990) (funding for repair of memorial battleship); Attorney Gen. v. School Comm. of Essex, 387 Mass. 326, 327 (1982) (Essex) (transportation for private school students); Springfield, 382 Mass. at 665, 666 (funding for special education programs in private schools); Colo, 378 Mass. at 551 (payment of legislative chaplains' salaries); Bloom, 376 Mass. at 36 (textbooks for private school students). See also Opinion of the Justices, 401 Mass. 1201, 1202 (1987) (tax deduction for expenditures on tuition, textbooks, and school transportation); Opinion of the Justices, 357 Mass. 846, 847-848 (1970) (vouchers for private school students); Opinion of the Justices, 357 Mass. 836, 837-838 (1970) (reimbursement of private schools for secular educational services).

In Springfield, 382 Mass. at 675, we declared that "there are no simple tests or precise lines by which we can determine the constitutionality" of grants challenged under the first clause of the anti-aid amendment. Instead, we devised the three-part test as "guidelines to a proper analysis," id., quoting Colo, 378 Mass. at 558, focusing on the purpose of the grant, the extent to which the grant aids the private institution, and whether the grant "avoids the political and economic abuses" that led to the passage of the anti-aid amendment, all of which must be carefully balanced in determining its constitutionality. Springfield, supra at 675.

This rejection of "simple tests [and] precise lines" is equally appropriate when evaluating the constitutionality of a grant of public funds under the second clause of the anti-aid amendment. Id. The operative language in each clause is identical: both provide that no "grant, appropriation, or use of public money . . . shall be made or authorized" "for the purpose of founding, maintaining or aiding" one of the enumerated private institutions. Art. 18, § 2, as amended by arts. 46 and 103. In both clauses, the specific reference to "purpose" demands an inquiry into both the making of a grant and its purpose.[15] Where the language of the two clauses is essentially the same, our interpretive framework is appropriately also the same. See, e.g., Alliance, AFSCME/SEIU, AFL-CIO v. Secretary of Admin., 413 Mass. 377, 384 (1992) ("Words occurring in different places in the Constitution and its amendments ordinarily should be given the same meaning unless manifestly used in different senses" [citation omitted]); Opinion of the Justices, 384 Mass. 820, 823 (1981) (interpreting

[15] The most recent revisions to the anti-aid amendment support this reading. In 1974, the opening clause of art. 18, § 2 -- which contained broad language against the expenditure of public funds, unmodified by the phrase "for the purpose of" -- was eliminated, suggesting that under the current amendment an investigation into purpose is required. See Springfield, 382 Mass. at 679.

word "items" in §§ 3 and 5 of art. 63 of Amendments to have same meaning).

Moreover, even if we did not look to our interpretation of the first clause for guidance, we could not read the second clause as an absolute ban on grants to churches, because the second clause by its own terms calls for a case-by-case analysis. The words of the second clause are not: "No grants shall be made to any church." Rather, the second clause prohibits only grants that are made "for the purpose of founding, maintaining or aiding any church," and we cannot know that every grant to a church will be for that purpose. The categorical prohibition urged by the plaintiffs therefore invites the danger of overbreadth -- and of hubris. We do not presume that we have the wisdom or imagination to contemplate every possible grant of public funds to a "church, religious denomination or society" and be certain that all of them, regardless of purpose, effect, or historical context, would be barred by the anti-aid amendment.

A categorical prohibition also invites the risk of infringing on the free exercise of religion, a right guaranteed under the First Amendment to the United States Constitution ("Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof"); art. 2 of the Massachusetts Declaration of Rights ("no subject shall be

hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship"); and the anti-aid amendment itself. See art. 18, § 1, as amended by art. 46 ("No law shall be passed prohibiting the free exercise of religion").

This was the risk addressed in Trinity Lutheran Church of Columbia, Inc. v. Comer, 137 S. Ct. 2012, 2017 (2017) (Trinity Lutheran), where a church in Missouri was denied a public grant to resurface its playground. In contrast with the Massachusetts anti-aid amendment, the Missouri Constitution imposes a categorical prohibition on any grant of public funds "in aid of any church, sect[,] or denomination of religion."[16] Id. As a result, when a church preschool and day care center applied for a grant under a general government program to purchase a new playground surface made from recycled tires, the State's

[16] Article I, § 7, of the Missouri Constitution, provides: "That no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such; and that no preference shall be given to nor any discrimination made against any church, sect or creed of religion, or any form of religious faith or worship." See Trinity Lutheran Church of Columbia, Inc. v. Comer, 137 S. Ct. 2012, 2017 (2017) (Trinity Lutheran).

Department of Public Resources rejected its application, based on "a strict and express policy of denying grants to any applicant owned or controlled by a church, sect, or other religious entity." Id. The Supreme Court of the United States held that the department's policy of excluding a church from a government program "solely because it is a church," id. at 2025, "imposes a penalty on the free exercise of religion that must be subjected to the 'most rigorous' scrutiny," id. at 2024, quoting Church of Lukumi Babalu Aye, Inc. v. Hialeah, 508 U.S. 520, 546 (1993).[17]

We do not interpret the Massachusetts anti-aid amendment to impose a categorical ban on the grant of public funds to a church "solely because it is a church." Trinity Lutheran, 137 S. Ct. at 2025. Rather, under our three-factor test, whether a church can receive such a grant depends on the grant's purpose, effect, and the risk that its award might trigger the risks that prompted the passage of the anti-aid amendment. Such an

[17] Chief Justice Roberts sought to limit the reach of the Court's opinion by stating in a footnote: "This case involves express discrimination based on religious identity with respect to playground surfacing. We do not address religious uses of funding or other forms of discrimination." Trinity Lutheran, 137 S. Ct. at 2024 n.3. Because two Justices joined the opinion except as to that footnote and one Justice concurred only in the judgment, the footnote failed to command a majority of the Court. Id. at 2017. See id. at 2025 (Thomas, J., concurring in part); id. at 2025-2026 (Gorsuch, J., concurring in part); id. at 2026-2027 (Breyer, J., concurring in the judgment).

analysis would surely not bar the grant of public funds to a church preschool to provide a safer surface for its playground. Cf. Essex, 387 Mass. at 333-334 (State funding to provide transportation to students attending private schools did not violate anti-aid amendment because it was "a general program to help parents get their children, regardless of their religion, safely . . . to and from . . . schools" [citation omitted]).[18]

Therefore, we conclude that the judge did not err in declining to interpret the second clause of the anti-aid amendment as a categorical prohibition on the grant of public funds to churches.

3. Application of the three-factor test. The plaintiffs contend that, even if the constitutionality of the grant should be determined under the three-factor test, the judge erred as a matter of law in her application of that test. We agree, and discern two distinct errors of law.

---

[18] Despite our refusal to interpret the anti-aid amendment as a categorical ban on grants to churches, the dissent warns that our decision raises potential issues under the religion clauses of the First Amendment. See post at . We disagree. "'[R]igorous' scrutiny" is required under the free exercise clause where a State policy "expressly requires [an applicant for public funds] to renounce its religious character in order to participate in an otherwise generally available public benefit program" (emphasis added; citation omitted). Trinity Lutheran, 137 S. Ct. at 2024. As we will make clear, our three-factor analysis under the anti-aid amendment imposes no such requirement. The fact that an applicant is an active church is a relevant but by no means disqualifying consideration under our anti-aid amendment.

First, in determining whether the grants at issue would violate the anti-aid amendment, the judge focused primarily on the constitutionality of the act itself rather than on the constitutionality of the award of the two grants at issue.[19] Analysis of the act's constitutionality would have been appropriate if the act itself authorized the appropriation of public funds to a church or other private institution within the scope of the anti-aid amendment. See, e.g., Helmes, 406 Mass. at 875, 877-878 (applying three-factor test to statute authorizing expenditure of public funds for repair of World War II battleship under control of charitable corporation); Springfield, 382 Mass. at 668, 675-683 (applying three-factor test to statute authorizing school committees to contract with private schools to provide special needs education where public schools could not meet special needs).[20]

---

[19] The judge stated, "This court is directed to examine the purpose of the [act], under which the challenged grants are to be conferred upon the [c]hurch[] . . . ." She found that "the purpose of the grants to the [c]hurch[] under the [act] is to preserve historic resources, and not to aid the [c]hurch[]."

[20] The statute at issue in Springfield was G. L. c. 71B, which authorizes school committees to enter into contracts with private schools, agencies, or institutions to provide special education to children whose needs cannot be met in the public school system. Springfield, 382 Mass. at 668. The Commonwealth sued the Springfield school committee, seeking to compel the school committee to enter into such contracts; in response, the school committee contended that any such contracts would violate art. 18, as amended by arts. 46 and 103, thus placing the

Here, however, the act simply establishes a procedure for municipalities to make discretionary grants to projects relating to open space, historic resources, and community housing. See G. L. c. 44B, §§ 5, 7. Nothing in the act itself specifically authorizes the expenditure of funds to assist churches or religious institutions.

For this reason, the constitutionality of the act itself was not challenged by the plaintiffs, and is not at issue in this case. What was challenged, and is at issue, is the constitutionality of specific discretionary grants made pursuant to the act. Therefore, "the familiar principle of statutory construction that affords a statute a presumption of constitutionality validity," Springfield, 382 Mass. at 674, does not apply to the constitutional analysis of these grants, and the judge erred in applying that presumption. The grants themselves enjoy no such presumption of constitutionality.

Second, the judge's focus on the constitutionality of the act rather than of the grants also rendered erroneous her analysis of the first and third factors.[21] As to the first

---

constitutionality of the statute at issue. Springfield, supra at 666.

[21] The judge did not make a finding regarding the second factor of the Springfield test -- that is, whether the grants would "substantially aid" the church. See Springfield, 382 Mass. at 675.

factor, the judge relied on the language of the test as it was applied to the statutes at issue in Springfield and Helmes, and therefore considered whether the legislative purpose of the act was to aid churches. The judge instead should have considered whether the primary purpose of the committee in recommending the grants was to aid this particular church rather than to serve the proper purpose of historic preservation.

Accordingly, we now apply the three-factor test to the proposed grants themselves. On this record, we conclude that the plaintiffs are likely to succeed on the merits of their claim with respect to the stained glass grant, but that further discovery is needed to evaluate their claim as to the Master Plan grant.

a. Purpose. The first factor to be considered is whether the proposed grants are "for the purpose of founding, maintaining or aiding [a] church." Art. 18, § 2, as amended by arts. 46 and 103. In ascertaining the purpose of a challenged grant, our cases concerning aid to private schools are instructive. In Springfield, 382 Mass. at 678, we upheld the constitutionality of a statute that funded special education programs in private schools for children whose needs could not adequately be met in public schools, finding that its "primary purpose" was "to benefit public schools and individual children." We saw no evidence of any "hidden legislative

purpose" to aid the private schools themselves. Id. at 677. See Essex, 387 Mass. at 331 (statute authorizing provision of transportation to private school students held constitutional based on "avowed purpose" to benefit children and lack of any "hidden purpose to maintain private schools"). In contrast, in Bloom, 376 Mass. at 42, we declared unconstitutional a statute requiring public school committees to lend textbooks to children attending private schools because we could infer from this statutory scheme no other purpose than to aid private schools "in carrying out their essential function." We determined that it made no difference under the anti-aid amendment that the textbooks were to be lent to the students rather than to the private schools they attended. Id. at 47. What mattered was that the statute made use of public money or property for the purpose of "maintaining or aiding" the private schools. Id. at 42.

Here, historic preservation is the stated purpose of the committee in awarding these grants to the church. That stated purpose is consistent with the town's decision to make the grants contingent on a historic preservation restriction in the three buildings. Such a restriction would limit the church's ability to make changes to the buildings in the future, thereby ensuring that the historic value of those buildings is not diminished over time. Thus, the plaintiffs' burden under the

first factor is to demonstrate a "hidden . . . purpose" to aid this particular church. Springfield, 382 Mass. at 677.[22]

We conclude that the record before us is insufficient to determine whether such a hidden purpose existed. The plaintiffs here sought to depose a person, to be designated by the town under Mass. R. Civ. P. 30 (b) (6), as appearing in 435 Mass. 1501 (2001), to testify regarding the town's "[c]onsideration and approval of the applications for the [c]hurch [g]rants," and the communications among town officials, employees, and committee members regarding the applications, but the judge denied the plaintiffs this discovery for purposes of the motion

[22] We recognize that the decision to award a grant of public funds, like other kinds of decisions, can have more than one motivating purpose. See, e.g., Wynn & Wynn, P.C. v. Massachusetts Comm'n Against Discrimination, 431 Mass. 655, 666 (2000), overruled on another ground by Stonehill College v. Massachusetts Comm'n Against Discrimination, 441 Mass. 549 (2004) (recognizing that certain employment discrimination cases are "mixed-motive" cases where discriminatory motive is one of several factors motivating employer's decision). Although in Springfield, 382 Mass. at 678, we focused on "the primary purpose" (emphasis added) of the challenged aid, we later acknowledged, in Opinion of the Justices, 401 Mass. 1201, 1208 (1987), that public aid may have more than one motivating purpose (aiding private schools was "one of the primary purposes . . . if not [the] only purpose" of challenged statute). In such cases, the inquiry becomes whether one of those motivating purposes is impermissible under the anti-aid amendment. We stress, however, that the purpose of a challenged grant is only one factor to be considered in our three-factor test, and need not be dispositive by itself. Thus, whether an impermissible purpose is the sole motivating purpose behind the grant, or only one purpose among many, may be considered in determining the weight to accord that factor.

for preliminary injunction when she granted the town's motion for a protective order. Where the anti-aid amendment itself focuses on the "purpose" of a grant to a church, and where the first factor to be considered under our test is the purpose of the grant, a plaintiff is entitled to reasonable discovery to ascertain whether there is a hidden purpose that motivated the issuance of the grant. Discovery, however, should not be any broader or any more intrusive than it needs to be. For the purpose of ascertaining the purpose of the grants, discovery should be limited to the testimony of the rule 30 (b) (6) witness and writings reflecting the oral and written communications regarding the committee's decision-making process in recommending the grants; there is no need in this case to probe the private intentions of town meeting members. We leave it to the judge in her discretion to determine more precisely the appropriate scope of discovery.

b. Substantial aid. The second factor to be considered is whether the effect of the grants is to substantially aid a church. Our precedents make clear that a grant of public funds does not violate the anti-aid amendment if the assistance it provides to a private institution is merely "minimal," Essex, 387 Mass. at 332, or "remote," Bloom, 376 Mass. at 47. The aid must provide "substantial assistance" to the church to risk violation of the anti-aid amendment. Springfield, 382 Mass. at

680. In evaluating this factor, we look to both the amount of aid provided and "the degree to which the aid assists [the church] in carrying out [its] essential function." Opinion of the Justices, 401 Mass. at 1208.

In particular, we have focused on whether the aid that is provided contains certain "limiting features" designed to restrict its effect. Id. at 1207. In Springfield, we approved the funding of the special education programs with the important limitation that there would be no reimbursement for children whose parents had unilaterally enrolled them in private school; public funding was strictly limited to expenses that the private schools would not otherwise have incurred. See Springfield, 382 Mass. at 677. This limiting feature worked to cabin the effect of the public funding, guaranteeing that it would not "aid the private school[s] in carrying out [their] essential function." Id. at 681.

We see no such guarantee here. As an initial matter, we note that the proposed grants are "neither minimal nor insignificant" in amount. Opinion of the Justices, 401 Mass. at 1208. The total cost of the comprehensive assessment contemplated under the Master Plan will be $55,000, to which the Master Plan grant will contribute $49,500, while the total cost of restoring the stained glass windows will be $56,930, to which the stained glass grant will contribute $51,237.

More worrisome is the extent to which these grants will assist the church in its "essential enterprise" as an active house of worship. Bloom, 376 Mass. at 47. The church was candid in its grant applications, explaining that -- faced with declining membership and contributions -- it would need the town's "help" in order to preserve its buildings while also "offering the congregation what draws them to their church." This is not a case like in Springfield, where it was possible to limit the public funding to a narrow, specific purpose. The reimbursement there was for expenses that the schools would not otherwise have incurred; it did nothing to "lessen[] the financial burden" of the schools or those who chose to attend those schools. Springfield, 382 Mass. at 683. Here, in contrast, the grants would help defray planning and restoration costs that the church would otherwise have to shoulder on its own, allowing the money saved to be used to support its core religious activities. As the church indicated in its grant applications, budgetary constraints have led it to make difficult choices between "capital improvement projects" on the one hand and "programs and personnel" on the other. These grants would allow the church to have both, in effect "underwrit[ing]" its essential function as an active house of worship. Opinion of the Justices, 401 Mass. at 1209.

On this record, we therefore conclude that the effect of these grants is to substantially aid the church.

c. Risks. The third and last factor that must be considered is whether the grants avoid the risks that prompted the passage of the anti-aid amendment. In evaluating the third factor, the judge erred in focusing on whether there was "credible evidence that the grants under the [act] are economically or politically abusive or unfair," and, finding no such evidence, concluding that there was "no political or economic abuse which the anti-aid amendment was enacted to prevent." Instead, the judge should have focused on whether the grants to the church avoid the risks of the political and economic abuses that "prompted the passage" of the anti-aid amendment. Springfield, 382 Mass. at 675.

We recognize that our articulation of this third factor in prior cases has provided less than clear guidance. The third factor, as first set forth in Springfield, focused on "whether the [grant] avoids the political and economic abuses which prompted the passage of [the anti-aid amendment]." Id. But in Springfield, we did not provide the historical background that identified these "political and economic abuses," and therefore failed to recognize, as we do here, that the amendment was proposed in 1853 not to abolish an existing practice of funding religious institutions -- no one at the Convention alleged the

existence of such a practice -- but instead as a preemptive measure to avoid the risks associated with the public financial support of religious institutions. These risks, as we noted in Bloom, 376 Mass. at 39, also prompted the revision of the anti-aid amendment in 1917, and are worth repeating here: first, the risk that "liberty of conscience" would be infringed "whenever a citizen was taxed to support the religious institutions of others"; second, the risk that public funding would result in improper government entanglement with religion, undermining the "independence and dignity" of churches; and third, the risk that the public support of religious institutions would threaten "civic harmony," making the divisive "question of religion" a political question. Id.

In Helmes, 406 Mass. at 878, our most recent case applying the three-factor test, we redefined the third factor in light of the circumstances of that case to consider "whether there is any use of public money that aids a charitable undertaking in a way that is abusive or unfair, economically or politically." Because nothing in the record indicated any such abuse or unfairness, we concluded that the appropriation was constitutional; there was no evidence that any private person would benefit from it, that the funds would be distributed to a noncharitable use, or that its charitable objective -- preserving a World War II battleship and educating the public --

was not generally accepted. Id. at 877-878. We did not consider in Helmes whether the appropriation of funds presented any of the risks that the framers of the anti-aid amendment sought to avoid, perhaps because it was so clear that these risks were not presented where the challenged funding was for the repair of a memorial battleship.

Here, where the grant of public funds is for the renovation of an active house of worship, it is imperative, in considering the third factor, to focus on whether these specific grants avoid the risks of the political and economic abuses that "prompted the passage" of the anti-aid amendment, which we identified in Bloom and have described in this opinion. On the record before us, we conclude that these risks are significant.

First, these grants risk infringing on taxpayers' liberty of conscience -- a risk that was specifically contemplated by the framers of the anti-aid amendment. As one delegate to the Convention of 1917 stated, "Religious liberty [requires] that . . . the State cannot compel a man to pay his good money in taxation for the support of a religion, or of the schools and institutions of a religion, in which he does not believe." Debates of 1917-1918, supra at 77. The self-described mission of the church here is "to preach and teach the good news of the salvation that was secured . . . through the life, death, and resurrection of Jesus." The proposed grants would be used to

renovate the main church building, where the church conducts its worship services, and its stained glass windows, which feature explicit religious imagery and language. For town residents who do not subscribe to the church's beliefs, the grants present a risk that their liberty of conscience will be infringed, especially where their tax dollars are spent to preserve the church's worship space and its stained glass windows.

Second, these grants also present a risk of government entanglement with religion. See Bloom, 376 Mass. at 39, 47. To ensure that the grants are used for historic preservation, the town has imposed on the church the condition that it execute a historic preservation restriction, which -- if the restrictions accompanying the town's prior grants under the act are any indication -- would significantly limit the church's ability to make future alterations to its buildings, including its worship space and its stained glass windows, without the town's approval.[23] We have held in other contexts that where the State exercises control over the design features of a church, it infringes on the free exercise of religion guaranteed under the

[23] The record in this case includes two historic preservation restrictions executed in relation to past grants that the town has awarded under the act. These restrictions prohibit the owners from, inter alia, making changes to the exterior of their properties "without the prior express written approval of the [t]own," which can be "withheld or conditioned in the [t]own's sole and absolute discretion."

Massachusetts Constitution. In The Society of Jesus of New England v. Boston Landmarks Comm'n, 409 Mass. 38, 42 (1990) (Society of Jesus), we concluded that the designation of a church interior as a landmark, thereby making all renovations subject to government approval, infringed on "the right freely to design interior spaces for religious worship," in violation of art. 2 of the Massachusetts Declaration of Rights. The historic preservation restriction contemplated here presents a comparable risk of "intrusion . . . , reaching into the church's actual worship space." Id.

The town contends that these grants would result in no such intrusion, and are distinguishable from the landmark designation in Society of Jesus, because they relate only to the exterior of the church's buildings. See, e.g., G. L. c. 40C, § 7 ("The [historic district] commission shall not consider interior arrangements or architectural features not subject to public view"). In Society of Jesus, 409 Mass. at 39 n.2, we expressly did not decide whether a landmark designation of a church exterior would also infringe on the free exercise of religion. We need not decide that issue here because, even if we were to recognize the distinction between the interior and exterior of a church and conclude that restrictions on the renovation of a church exterior would not burden the free exercise of religion,

such restrictions would still pose a risk of government entanglement in religious matters.

In Society of Jesus, we reasoned that "[t]he configuration of the church interior is so freighted with religious meaning that it must be considered part and parcel of . . . religious worship." Society of Jesus, 409 Mass. at 42. Since then we have recognized that the exterior features of a religious structure can also be expressive of religious beliefs. In Martin v. The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, 434 Mass. 141, 142 (2001), we held that a church steeple should be exempted from local height restrictions as a "religious" use of land, noting that "churches have long built steeples to 'express elevation toward the infinite'" (citation omitted). Id. at 152. See P. Tillich, On Art and Architecture 212 (1989) ("the one great symbol of the church building is the building itself"). We warned, "It is not for judges to determine whether the inclusion of a particular architectural feature is 'necessary' for a particular religion," Martin, supra at 150, or "to determine what is or is not a matter of religious doctrine." Id. at 152. The Master Plan grant at issue here contemplates a comprehensive assessment of the entire church building, which would include elements both exterior and interior; it is not for judges or, for that matter, a community preservation committee to determine whether this

assessment will affect elements that touch on matters of religious doctrine.

The stained glass window is illustrative of the fragility of the interior-exterior distinction, and of the extent to which historic preservation of the building is interwoven with religious doctrine. Although it is an "exterior" feature, in that it is open to public view, see G. L. c. 40C, § 5, its inclusion in a church building is as much a religious choice as an aesthetic one -- especially where, as here, the windows have an expressly religious message. See V.C. Raguin, Stained Glass, From its Origins to the Present, 10-13 (2003).

Third, the challenged grants also risk threatening "civic harmony," by making the "question of religion" a political one. Bloom, 376 Mass. at 39. As centuries of experience have shown, government support of churches has always and inevitably been a politically divisive issue in Massachusetts. Although the act provides for a rigorous process for the allocation of funds, the decision to award a grant lies with the committee and, ultimately, with the town meeting members. Those who first proposed the anti-aid amendment in 1853 were wary of throwing "a firebrand into . . . town meetings." Debates of 1853, supra at 624. Grants for the renovation of churches -- using funds that could potentially have been dedicated to open space, soccer fields, low-income housing, or other historic preservation

projects, including projects for the renovation of houses of worship of other religious denominations -- pose an inevitable risk of making "the irritating question of religion" a politically divisive one in a community, the more so where those grants are for the renovation of a worship space or of a stained glass window with explicit religious imagery. Bloom, supra at 39.

We do not suggest that fair consideration of the risks that prompted the passage of the anti-aid amendment means that every historic preservation grant for a church building will be unconstitutional. We only caution that any such grant to an active church warrants careful scrutiny under the three-factor Springfield test. The third factor is by no means a dispositive factor, only an important one. Indeed, we can imagine various circumstances where such grants would survive careful scrutiny, including, for instance, where historical events of great significance occurred in the church, or where the grants are limited to preserving church property with a primarily secular purpose. Cf. Shrine of Our Lady of La Salette Inc. v. Board of Assessors of Attleboro, 476 Mass. 690, 700-702 (2017) (shrine property leased for battered women's shelter and used as wildlife sanctuary not subject to religious worship exemption, because "dominant purpose" not connected to religious worship

and instruction). The use of public funds for such preservation efforts poses little risk of political division.[24]

In this case, having weighed and balanced the three factors, we conclude that the plaintiffs are likely to succeed on the merits of their claim with respect to the stained glass grant. Although the record before us does not allow us to

---

[24] The dissent takes issue with the emphasis that we place on the third factor in cases like these, where the public grant is to an active church. The dissent contends that our analysis is inconsistent with this court's anti-aid amendment cases, relying on our statement, first made in Bloom, 376 Mass. at 45, that "[o]ur anti-aid amendment marks no difference between 'aids,' whether religious or secular" (citation omitted). See post at . But the dissent takes this statement out of context. What we meant in Bloom (and in the other cases the dissent cites) was that, unlike the establishment clause of the First Amendment, which requires an inquiry into whether the aid has a religious or secular purpose, see Lemon v. Kurtzman, 403 U.S. 602, 612 (1971), our anti-aid amendment does not make that distinction. See Bloom, 376 Mass. at 45 & n.20. See also Opinion of the Justices, 401 Mass. 1201, 1203 n.4 (1987); Attorney Gen. v. School Comm. of Essex, 387 Mass. 326, 332 n.3 (1982); Springfield, 382 Mass. at 674 n.14. The only purpose that is forbidden under the anti-aid amendment is "the purpose of founding, maintaining or aiding" a private institution. Art. 18, § 2, as amended by arts. 46 and 103. Thus, in Bloom, 376 Mass. at 45, it did not matter whether the textbooks that were lent were of a religious or secular nature; what mattered was that the purpose of the loan was to aid private schools. See id. at 41-42. This does not mean that we do not distinguish between different kinds of "aids" in evaluating whether that aid poses the risks that prompted the anti-aid amendment; after all, aid to support a church poses risks quite different from those arising from aid to support a World War II battleship. Cf. Helmes, 406 Mass. at 873. We reiterate that the anti-aid amendment is not a categorical ban on aid to churches. However, the fact that a grant recipient is an active church is relevant to our analysis of the potential risks under the third factor, to which we cannot (and need not) be blind.

ascertain whether there is a motivating purpose behind this grant other than historic preservation, its effect is to substantially aid the church in its essential function and, given the explicit religious imagery of the stained glass, it fails to avoid the very risks that the framers of the anti-aid amendment hoped to avoid. Thus, even if further discovery were to reveal that the sole motivating purpose of this grant was in fact to preserve historic resources, and not to aid this particular church, the other factors in our analysis -- especially the third factor, to which we accord special weight -- still compel the conclusion that the stained glass grant runs afoul of the anti-aid amendment. Because the plaintiffs are likely to succeed on the merits of their claim, and a preliminary injunction would "promote[] the public interest" reflected in the anti-aid amendment, LeClair, 430 Mass. at 332, the plaintiffs are entitled to a preliminary injunction barring the disbursement of the stained glass grant.

With respect to the Master Plan grant, we conclude that further discovery is needed before a determination should be made as to whether the plaintiffs are likely to succeed on the merits of their claim. This is in part because, unlike the stained glass grant, the Master Plan grant is far broader in its scope, including not only plans for the renovation of worship space but also plans for the renovation of the Fletcher and

Hosmer Houses, which are both private residences. Accordingly, analysis of the grant under the third factor must be more fact-intensive; restoration of the main church building will implicate risks different from those arising from the restoration of the adjoining residences. And where the analysis of the third factor is more complex, and the potential judicial options more diverse,[25] the discovery that might shed light on whether there was a hidden purpose apart from historic preservation becomes more important to the over-all decision.

We therefore remand the issue to the Superior Court for a determination whether the Master Plan grant, in full or in part, should survive the careful scrutiny required under the third factor. Such a determination should not be made until the plaintiffs have had reasonable discovery regarding the purpose of the committee in awarding this grant. We reiterate that the scope of such discovery should be limited at this time to the testimony of the rule 30 (b) (6) witness and writings reflecting the oral and written communications regarding the committee's decision-making process in recommending the grants and that there is no need to probe the private intentions of town meeting

[25] For example, the judge may deny the preliminary injunction as to the part of the Master Plan grant allocated to the renovation of the Fletcher and Hosmer Houses, and allow it as to the part allocated to the renovation of the church's worship space.

members. We leave it to the judge to determine more precisely its appropriate scope.

Conclusion. The orders denying the plaintiffs' motion for a preliminary injunction and granting the town's motion for a protective order to stay discovery are vacated. The case is remanded to the Superior Court for entry of an order allowing the plaintiffs' motion for a preliminary injunction barring disbursement of the stained glass grant and, as to the Master Plan grant, for further proceedings consistent with this opinion.

So ordered.

KAFKER, J. (concurring, with whom Gaziano, J., joins). I write separately to emphasize that our analysis of the anti-aid amendment of the Massachusetts Constitution is tightly constrained by the United States Supreme Court's interpretation of the religion clauses of the First Amendment to the United States Constitution. The grants at issue here are provided pursuant to a generally available public benefit program designed to promote community conservation including the protection of the Commonwealth's historic buildings. The United States Supreme Court has warned that only a very narrow category of exclusions are allowed by the free exercise clause from such generally available public benefit programs. Because I believe the preliminary injunction against the stained glass grant is consistent with this very narrow permitted exclusion, and the Master Plan grant requires further analysis to decide both the anti-aid and First Amendment questions, I concur in the judgment of the court.

1. The First Amendment background to this case. Today's decision takes us into one of the most confusing and contested areas of State and Federal constitutional law. The United States Supreme Court has emphasized that there is a "tension" between the religion clauses of the United States Constitution -- that is, what is prohibited by the establishment clause and what is required by the free exercise clause of the First

Amendment. See Locke v. Davey, 540 U.S. 712, 718 (2004). The Court has also stated that there is "play in the joints" between the dictates of the two religion provisions in the United States Constitution -- allowing limited State action therein -- without defining precisely how much play. See Trinity Lutheran Church of Columbia, Inc. v. Comer, 137 S. Ct. 2012, 2019 (2017) (Trinity Lutheran). The Supreme Court's jurisprudence also has been continually evolving, particularly in its definition of the neutrality the two first amendment provisions requires in regard to religion.[1]

All of this is further complicated by State constitutional anti-aid provisions providing greater protections against the establishment of religion than the establishment clause of the First Amendment. These State constitutional anti-aid provisions

---

[1] The evolution was summarized by Justice Souter in Mitchell v. Helms, 530 U.S. 793, 882-883 (2000) (Souter, J., dissenting):

> "In sum, 'neutrality' originally entered this field of jurisprudence as a conclusory term, a label for the required relationship between the government and religion as a state of equipoise between government as ally and government as adversary. Reexamining Everson [v. Board of Educ. of Ewing, 330 U.S. 1 (1947),]'s paradigm cases to derive a prescriptive guideline, we first determined that 'neutral' aid was secular, nonideological, or unrelated to religious education. Our subsequent reexamination of [multiple Supreme Court cases] . . . recast neutrality as a concept of 'evenhandedness.'"

Evenhandedness in this context means an evenhanded treatment of religious and nonreligious institutions.

present additional legal constraints, and State grants are permissible only if they do not run afoul of the free exercise clause of the First Amendment.

There is no clear path yet through this difficult intersection of the religion clauses of the State and Federal Constitutions. Most instructive, for our purposes, however, are the Supreme Court's more recent pronouncements in Trinity Lutheran and Locke. These two cases analyzed grants arising from generally available public benefit programs, like the one before us. See Trinity Lutheran, supra at 2017; Locke, supra at 715. Both cases involved exclusions required by anti-aid provisions in State Constitutions. See Trinity Lutheran, supra at 2017 (Missouri Constitution, art. 1, § 7); Locke, supra at 722 (Washington Constitution, art. 1, § 11).

In Trinity Lutheran, 137 S. Ct. at 2025, the Supreme Court held that the exclusion of a church school and day care facility from a generally available public benefit program funding rubber playground surfaces "solely" on account of a church's religious identity violated the free exercise clause. The Court held that it had "repeatedly confirmed" that it will not approve such exclusions, giving as an example its 1947 decision upholding against Federal establishment clause challenges a New Jersey law allowing a local school district to pay for public, private, and

parochial school transportation costs. Id. at 2019-2020, citing Everson v. Board of Educ. of Ewing, 330 U.S. 1 (1947).

In Locke, however, the Supreme Court held that a State anti-aid amendment exclusion of scholarships to pursue degrees in devotional theology from an otherwise inclusive student aid program did not violate the free exercise clause of the First Amendment. Locke, 540 U.S. at 725. In so holding, the Court stressed that it could "think of few areas in which a State's antiestablishment interests come more into play" than using "taxpayer funds to support church leaders." Id. at 722. "The claimant in Locke sought funding for an 'essentially religious endeavor . . . akin to a religious calling.'" Trinity Lutheran, 137 S. Ct. at 2023, quoting Locke, supra at 721-722. To contrast, the Court in Trinity Lutheran stated, "nothing of the sort can be said about a program to use recycled tires to resurface playgrounds." Trinity Lutheran, supra. In his concurrence in Trinity Lutheran, Justice Breyer also emphasized that he would "find relevant, and would emphasize, the particular nature of the 'public benefit' . . . at issue." Id. at 2026 (Breyer, J., concurring).

Together, Trinity Lutheran and Locke define a very narrow category of exclusions from generally available public benefit programs that can be required by State anti-aid amendments without violating the free exercise clause of the First

Amendment. To be excluded from a generally available public benefit program, the funding must be sought for an "essentially religious endeavor" raising important state constitutional antiestablishment concerns. Trinity Lutheran, 137 S. Ct. at 2023, quoting Locke, 540 U.S. at 721-722. With these overarching First Amendment principles in mind, I turn to the grants at issue, and art. 18 of the Amendments to the Massachusetts Constitution, as amended by arts. 46 and 103 of the Amendments, the anti-aid amendment.

2. The Community Preservation Act grant and the anti-aid amendment. As explained by the court, the town of Acton (town) is one of 172 municipalities in Massachusetts that have adopted the Community Preservation Act (act), which establishes processes and procedures for funding projects related to open space, historic resources, and community housing. See ante at . Here, the church's "Evangelical Church Stained Glass Window Preservation" application initially requested $41,000 from the town's Community Preservation Committee (committee) to repair the church's stained glass windows. Eventually $51,237 was awarded for the windows. The proposed repairs included a three-foot, six-inch by ten-foot, six-inch "Christ window" depicting Jesus with a woman kneeling and praying, altar windows, and a window containing a cross and the hymnal phrase "Rock of Ages

Cleft for Me."[2] The church was requesting that the town pay for ninety per cent of the costs. The stained glass windows were "installed in memorial to honor prominent members of the church" in 1898.

The church also sought $49,500 to hire an architect to do a structural review and prepare a master plan for historic preservation of the church, and two neighboring buildings owned by the church, the John Fletcher House and the Abner Hosmer House. The church was again requesting that the town pay ninety per cent of the costs. The main church dates back to 1846 with a renovation in 1898. The houses were built circa 1855 and 1846. The grant was sought to "hire an architectural consultant to thoroughly investigate each of the [three] historic buildings to identify all the needs of each building in order to protect and preserve these historic assets for future generations." For the church itself, this would include "a thorough assessment of the [c]hurch building envelope, including windows, doors, siding, roof, chimney, bell tower, skylights, and fire escapes, with a focus on protecting the building from the elements."

---

[2] The windows are described as a "treasure, yet they are in need of care. The exterior plexiglass is no longer doing its job. Not only is it cloudy, so that the beauty of the glass cannot be appreciated outside of the church, but it is no longer weathertight. . . . The proposed work would remove the old plastic covers, repair the existing wood damage, replace missing or broken pieces . . . to stabilize and protect the eight primary stained glass windows."

Similarly, "the rental houses will be evaluated for the building envelope, mechanical, electrical and plumbing systems, and safety systems. This work will focus on building structural integrity." The grant was requested because "each [of the buildings] shows the signs of 170+ years of wear."

In its application for both grants, the church explained that "mainstream churches have not been growing for years, and the financial strain is significant . . . we have had to cut programs and personnel. The cuts can further exacerbate the financial problem[s] by not offering the congregation what draws them to their church."

Pursuant to the requirements of the act, the committee held a public hearing and voted unanimously to recommend the grants. The town meeting approved both grants. The annual town meeting warrant explained that the church and the other two buildings were located in the Acton Centre Historic District. The warrant explained that the "work will protect the stained glass windows, an integral part of the church's historical significance." The warrant also explained that the master plan would evaluate and identify critical needs and set restoration and rehabilitation priorities to preserve the three historic buildings. It also stated that the "preservation project must comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of

Historic Properties codified in 36 C.F.R. Part 68." Historic preservation restrictions were imposed on the buildings with the restriction being "perpetual to the extent permitted by law." The plaintiffs, who are town taxpayers, challenged the grants, claiming they violate the anti-aid amendment.

3. Application of the anti-aid amendment and the First Amendment to the stained glass grant. I agree with the court that the three factor anti-aid amendment analysis set forth in Commonwealth v. School Comm. of Springfield, 382 Mass. 665, 675 (1981) (Springfield), applies, including where the grant is being given to a church as well as a nonreligious private charity. I also agree that a categorical ban would violate the First Amendment right to the free exercise of religion.

In analyzing the first factor, I conclude that we must consider the purpose of both the statute and the grant. This is necessitated, in part, by the Supreme Court's First Amendment jurisprudence and its focus on whether the grant is authorized pursuant to a generally available public benefit program. Here, the purpose of the statute itself is unquestionably to provide generally available public benefits for the purpose of conservation, including historic preservation. There is no suggestion or argument that an "examination of the statutory scheme . . . [will reveal] any 'technique of circumvention'" designed to avoid the requirements of the anti-aid amendment.

Springfield, 382 Mass. at 677, quoting Bloom v. School Comm. of Springfield, 376 Mass 35, 47 (1978). See Bloom, supra at 44 ("[W]e note, first, that the Supreme Court has been regularly unreceptive to schemes of circumvention which resemble that attempted by the present legislation"). Indeed the statute is straightforward and serves important conservation purposes as eloquently explained by the dissent. See post at .

The court, however, draws a distinction between the purposes of the statute and those of the grants, and emphasizes that we must probe further to discern the primary or motivating purposes of the grantors as well as any hidden purposes, and this additional inquiry requires a remand for the Master Plan grant. See ante at . At least for a determination whether a preliminary injunction should issue regarding the stained glass grant, I conclude that we have a sufficient record that conservation is the primary purpose of the grants. I do not detect any indicia of a scheme or technique of circumvention. The purpose, as reflected in the town warrant, appear to be described straightforwardly and factually.

In my opinion, the most complicated aspect of the purpose inquiry is not discerning the subjective intentions of the grantors but the difficulty of separating conservation from religious purposes when the grant is being given to preserve a religious component of a church building. Even if the purpose

of the grantors is conservation, and not the promotion of religion, it is obvious to anyone voting on the grants that both purposes would be served. I think that is particularly true for the stained glass grant where the windows convey an express sectarian religious message.[3] Ultimately, however, the purpose

[3] Unlike in the stained glass grant, there are other grants to churches where the secular and religious purposes may be more easily separable. The Old North Church, located in the North End neighborhood of Boston, is a good example. Funding the repair and restoration of glass windows are at issue for both houses of worship, but any similarity ends there. In 2002, the Old North Foundation applied for, and later received, a Save America's Treasure grant to preserve, among other things, the Old North Church's historic window. See Authority of the Department of the Interior to Provide Historic Preservation Grants to Historic Religious Properties Such as the Old North Church, 27 Opinions of the Office of Legal Counsel for 2003, United States Department of Justice, 91, 96, 99 (2013) (Old North Church opinion), https://www.justice.gov/olc/file/477026/download [https://perma.cc/XUT2-L54E]. Famously, in the Old North Church's steeple hung two lit lanterns to indicate that the British army was leaving Boston by boat to capture the stores of arms and ammunition located in Concord. See http://oldnorth.com/historic-site/the-events-of-april-18-1775/ [https://perma.cc/9AGF-KL9Z]. See also H.W. Longfellow, Paul Revere's Ride (1860) ("He said to his friend, -- 'If the British march By land or sea from the town to-night, Hang a lantern aloft in the belfry-arch Of the North-Church-tower, as a signal-light, -- One if by land, and two if by sea; And I on the opposite shore will be'").

For the grant to the Old North Church, the historical purpose is manifestly evident and is described by the National Park Service as "one of America's most cherished landmarks." Old North Church opinion at 97. The Old North Church windows also contained no overt religious message as do the stained glass windows in the town of Acton. Furthermore, for the Old North Church, rigorous auditing requirements were also in place to ensure that the grant funded only the historic aspects of the

inquiry is just one factor in a multifactor test and it is meant to be instructive, not dispositive. Springfield, 382 Mass. at 675. I find the other two factors, particularly the third, conclusive of the anti-aid amendment analysis and critical to the First Amendment interpretation as well.

The second prong of the anti-aid test analyzes whether the grants substantially assist religion. The stained glass grant is "neither minimal nor insignificant" to the church. See Opinion of the Justices, 401 Mass. 1201, 1208 (1987). Approximately $50,000 is being provided and the town is funding ninety per cent of the total cost. Without the assistance of the committee's grants, the church indicated that the financial strain and required cuts could "exacerbate the financial problem[s] by not offering the congregation what draws them to their church."[4]

---

church and not its religious endeavors. Old North Church opinion at 103.

[4] The Old North Church is again a good comparison. Great efforts were made to avoid religious assistance. See Old North Foundation Awarded $317,000 Grant Under Save America's Treasure Program, National Park Service, Press Release (May 27, 2003) (Park Service Press Release), https://www.nps.gov/aboutus/news/release.htm?id=395 [https://perma.cc/9MAN-6NGV]. The Old North Foundation, a secular, nonprofit organization, was the entity approved for the grant. See Mission Statement, Old North Foundation of Boston, Inc., http://oldnorth.com/historic-site/foundation/ [https://perma.cc/B45N-79Y5]; Park Service Press Release, supra. Furthermore, as a matching-grant program, the Old North Foundation contributed a substantial amount to the

Most important in my view is the third prong. Awarding public monies paid by taxes directly to a church to repair stained glass windows with an express religious message raises core concerns about separation of church and State that prompted the passage of the anti-aid amendment. I agree with the court that those concerns include (1) infringement on liberty of conscience caused by taxing citizens to support the religious beliefs and institutions of others; (2) improper government entanglement with religion, thereby diminishing the independence and integrity of both church and State; and (3) unnecessary divisiveness in the polity caused by making the funding of religious institutions a political question. See ante at .

All three of these risks are present here. Tax dollars are paying for the stained glass windows that have an express sectarian religious message. A historic preservation restriction of perpetual duration is being imposed on the windows and perhaps other parts of the church, thereby entwining an active church building with state government. See The Society of Jesus of New England v. Boston Landmarks Comm'n, 409 Mass. 38, 42 (1990) (designation of church interior as landmark

---

project. See National Park Service, Matching Share Requirements at 1, https://www.nps.gov/preservation-grants/manual/Matching_Share_Requirements.pdf [https://perma.cc/RA45-3SQF] ("The Federal grant is meant to stimulate nonfederal donations-not to pay for all the work by itself").

infringed on "right freely to design interior spaces for religious worship"). See also Martin v. The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, 434 Mass. 141, 153 (2001) ("no municipal concern was served by controlling the steeple height of churches"); Saperstein, Public Accountability and Faith-Based Organizations: A Problem Best Avoided, 116 Harv. L. Rev. 1353, 1365 (2003) ("With government money come government rules, regulations, audits, monitoring, interference, and control -- all of which inherently threaten religious autonomy"). Town meeting members were being asked to vote on a grant to maintain religious aspects of the church of their neighbors and now they are suing each other. Should another house of worship in the town be denied a grant after this one has been awarded, it will likely bring about further controversy and division. No more discovery is required to know that this grant goes to core concerns of the anti-aid amendment.[5] In sum, the balancing of the three factors shows that the plaintiffs have a substantial likelihood of success in establishing that the stained glass grant violates the anti-aid amendment.

[5] Again, this case is unlike the Old North Church. Any risks or tensions there are substantially assuaged by the building's undeniable significance in the Commonwealth's and the country's history and because of the separability of the historic restoration work from the religious mission.

As the church and the free exercise rights of its members are also implicated, they must be considered as well. As explained above, to be excluded from a generally available public benefit program, the funding must be sought for an "essentially religious endeavor" raising important State constitutional antiestablishment concerns. See Locke, 540 U.S. at 721. I conclude that paying for stained glass windows with an express sectarian religious message and mission fits within the very narrow exception allowed by Locke.

The benefits are vastly different from the nonreligious rubberized playground services or school transportation costs, or the police and fire or other obviously nonreligious types of assistance that have been found not to raise establishment clause or anti-aid concerns. See Trinity Lutheran, 137 S. Ct. at 2026-2027 (Breyer, J., concurring). See also Everson, 330 U.S. at 17-18 (describing services "so separate and so indisputably marked off from the religious function"). Although "nothing [religious] . . . can be said about a program to use recycled tires to resurface playgrounds," the opposite is true for stained glass windows. See Trinity Lutheran, supra at 2023. They are an important part of the church's religious message and mission. V.C. Raguin, Stained Glass, From its Origins to the Present, 13 (2003) ("stained glass became . . . an intimation of God's very nature, and important as a contemplative aid"); Lupu

& Tuttle, Historic Preservation Grants to House of Worship: A Case Study in The Survival of Separationism, 43 B.C. L. Rev. 1139, 1175 (2002) ("[Stained glass] windows often present religious themes . . . and help to shape the worship experience through the play of light and imagery"). See Mitchell v. Helms, 530 U.S. 793, 820 (2000) (opinion of Thomas, J.) (aid cannot be "impermissibly religious in nature"). Additionally, as explained above, the stained glass grant here raises core State constitutional anti-aid concerns. Like excluding State scholarships to pay for a divinity degree in Locke, there are "few areas in which a State's antiestablishment interests come more into play" than paying for stained glass windows with sectarian religious symbolism. Locke, 540 U.S. at 722.

For the religion clauses in the State and Federal Constitutions, there is "no simple and clear measure which by precise application can readily and invariably demark the permissible from the impermissible." School Dist. of Abington Township, Pa. v. Schempp, 374 U.S. 203, 306 (1963) (Goldberg, J., concurring). See Van Orden v. Perry, 545 U.S. 677, 699 (2005) (Breyer, J., concurring) ("the Court has found no single mechanical formula that can accurately draw the constitutional line in every case"). Although line drawing in this intensely contested area of constitutional law is difficult, I believe

that the use of taxpayer dollars to pay for stained glass windows with a religious message crosses that line.

I therefore conclude that on this record the plaintiffs have demonstrated the necessary likelihood of success that the stained glass grant violates the State's anti-aid amendment without running afoul of the free exercise clause.

4. Remand on the Master Plan grant. I also agree with the court that a remand is required on the Master Plan grant, although I place less emphasis than the court on a search for "hidden" purposes. I conclude that a fuller factual record is required on the inner workings of the grant itself before it can be determined whether the Master Plan grant violates the anti-aid amendment, and if so, whether exclusion of such a grant from a generally available public benefit program would violate the free exercise clause of the First Amendment.

It is important to emphasize up front just how narrow the exclusion is for generally available public benefit programs. See Locke, 540 U.S. at 725. The exclusion involves essentially religious endeavors, such as paying for ministry training or stained glass windows with sectarian symbols or messages. The Master Plan grant is to pay an architect to perform a structural review of three 170 year old buildings of historic importance to the town. Only one of those buildings is a church. The focus of the architect's work appears to be on preserving the

structural integrity of the old buildings, not repairing or maintaining particular parts of the church that convey an express religious message.[6] It is unclear to me how much of this work goes beyond the "building envelope." These buildings are also a part of the historic district of the town and serve important nonreligious as well as religious purposes in the town and the Commonwealth, as the dissent explains. See post at . Additionally it is not clear from the record what historic preservation restriction will result from this grant. Will the grant to pay for an architect to provide for a structural review of the three buildings give the town a restriction regarding construction on all of these buildings? Or would such a restriction only apply if a grant is provided for subsequent work on the buildings? A fuller factual record is necessary on this point as well as others.

5. Conclusion. In sum, I conclude that the stained glass grant not only violates the anti-aid amendment but also fits within the very narrow exclusion from a generally available

---

[6] I recognize that this distinction may be subtle and even elusive as a house of worship contains many different religious symbols, but as the Supreme Court has emphasized, line drawing may be difficult but necessary in this area. See School Dist. of Abington Twp., Pa v. Schempp, 374 U.S. 203, 305-306 (1963) (Goldberg, J., concurring). See also Van Orden v. Perry, 545 U.S. 677, 699 (2005) (Breyer, J., concurring). See generally Lupu & Tuttle, Historic Preservation Grants to House of Worship: A Case Study in The Survival of Separationism, 43 B.C. L. Rev. 1139, 1174 (2002).

public benefit program authorized by the Supreme Court pursuant to the First Amendment. I further conclude that on remand the legal status of the Master Plan grant under both the anti-aid amendment and the free exercise clause of the First Amendment must be determined.

CYPHER, J. (dissenting). I respectfully dissent. Separation of church and State is a vital constitutional requirement under the Massachusetts Declaration of Rights and the United States Constitution and an enduring principle of the Commonwealth. As the court recounts, Massachusetts has an interesting and complex history in this regard. Nevertheless, I would affirm the order denying the motion for an injunction to block the town's use of the Community Preservation Act (act) to preserve the historic façade of the Acton Congregational Church, which is located in the town center.

I agree with the majority that grants of public funds to active religious institutions pursuant to the act are not categorically barred by the anti-aid amendment, and that such grants are instead subject to the three-factor test this court first articulated in Commonwealth v. School Comm. of Springfield, 382 Mass. 665, 675 (1981) (Springfield). As the court points out, this test requires that we consider (1) whether the purpose of the challenged grant is to aid a private charity; (2) whether the grant does in fact substantially aid a private charity; and (3) whether the grant avoids the political and economic abuses that prompted the passage of the anti-aid

amendment.[1] I do not think that the motion judge misapplied those three factors here.

I am also concerned with the court's admonition that grants of community preservation funds to active religious institutions warrant particularly "careful scrutiny." Such an analysis is belied by the plain text of the anti-aid amendment, as well as this court's cases interpreting the amendment, which dictate that we do not treat religious and secular entities differently under the amendment. The court's focus on a grant applicant's status as an active house of worship also implicates the most

---

[1] With respect to the first factor set out in Commonwealth v. School Comm. of Springfield, 382 Mass. 665, 675 (1981) (Springfield), consideration of a grant's "purpose", I disagree with the court that a court's primary focus here is on whether "one" of a grantor's motivating purposes is impermissible. See ante at n.22. Our "purpose" inquiry is limited to the intent of the grantor, without consideration of an applicant's motives for seeking grant funds. See, e.g., Boston Edison Co. v. Boston Redevelopment Auth., 374 Mass. 37, 62-63 (1977) (where the legislature has provided specific standards, "the purpose of the applicants in proposing the project is wholly irrelevant"). And as Springfield and subsequent cases make clear, that inquiry requires that we consider what "the" purpose of the grant is, see, e.g., Springfield, 382 Mass. at 675 -- not, as the court states, whether "one purpose among many" might be impermissible. In instances where there may be more than one purpose for a grant, a court must consider and balance all such purposes in order to determine what "the" predominant or "primary" purpose of the grant is. Id. at 678 ("The statute's purpose is, primarily, to help specified children with special needs obtain the education which is theirs by right"). I am therefore not convinced that the plaintiffs' potential discovery of some "hidden purpose" to aid the church tips the scale in their favor under this factor, where the clear predominant purpose of these grants is historic preservation.

recent United States Supreme Court decision in this area, Trinity Lutheran Church of Columbia, Inc. v. Comer, 137 S. Ct. 2012, 2024 (2017) (Trinity Lutheran). Trinity Lutheran holds that a State cannot condition participation in a generally-available public benefit program on an applicant's "renounc[ing] its religious character."[2] Id. Finally, I write to underscore the importance of preserving our State's historic buildings, which embody the Commonwealth's rich past and offer those in the present a number of public benefits. Historic churches and meeting houses are, like secular historic buildings, an indispensable part of our historic landscape, and warrant the same degree of preservation.

As I understand the judge's decision, she examined the purpose of the grant and found that the taxpayers did not satisfy the first Springfield factor in their challenge. She stated in her decision that the taxpayers "failed to demonstrate

---

[2] Were I to interpret the principles of separation of church and State without concern for our own precedent or the Supreme Court's decisions, I may well find myself in agreement with Justice Sotomayor's dissent in Trinity Lutheran Church of Columbia, Inc. v. Comer, 137 S. Ct. 2012, 2041 (2017) (Sotomayor, J., dissenting) ("History shows that the Religion Clauses separate the public treasury from religious coffers as one measure to secure the kind of freedom of conscience that benefits both religion and government. If this separation means anything, it means that the government cannot, or at the very least need not, tax its citizens and turn that money over to houses of worship"). See Zelman v. Simmons-Harris, 536 U.S. 639, 686-717 (2002) (Souter, J., dissenting).

that the purpose of the grants is to aid the [c]hurch[]." And in the judge's discussion of this factor, she correctly stated that a court's inquiry does not depend on "the stated purpose of the recipients." Boston Edison Co. v. Boston Redevelopment Auth., 374 Mass. 37, 62-63 (1977) (where Legislature has provided specific standards, "the purpose of the applicants in proposing the project is wholly irrelevant").[3] At the hearing on the request for a preliminary injunction, the parties emphasized the grant, not the act itself, and the judge noted in her decision that under Helmes she was to consider the purpose of the grants. Helmes v. Commonwealth, 406 Mass. 873, 877 (1990). When the judge set out the factors, she identified each one as concerning the grants, not the act.

Turning to the grants themselves, it is readily apparent that they have a public purpose of historic preservation and require a recipient to convey a preservation restriction as an express condition of the grant. G. L. c. 44B, § 12 (a). See G. L. c. 184, § 31 (defining preservation restriction). The public receives a real property interest in exchange for the

[3] The Community Preservation Act (act) sets forth neutral criteria for the grants and a detailed procedural process under which those grants are considered. G. L. c. 44B, §§ 3-7. Under the act, the town's Community Preservation Committee gathers information, consults with municipal boards, holds public hearings, and makes recommendations for the acquisition, preservation, rehabilitation, and restoration of historic resources.

grant. Moreover, the town enjoys "every presumption in favor of the honesty and sufficiency of the motives actuating public officers in actions ostensibly taken for the general welfare." LaPointe v. License Bd. of Worcester, 389 Mass. 454, 459 (1983).[4] There is nothing in the record that suggests any irregularity in the grant process in this case. To the contrary, the town and its Community Preservation Committee (committee) complied with all of the rigorous requirements of the act for these grants. After a public hearing, the committee voted unanimously to recommend the projects to the town meeting, based in part on "the significance of the historical resource[s]" that were to be preserved. Following additional favorable recommendations by the town's board of selectmen and its finance committee, residents at the town meeting voted to approve the grants for these projects in April, 2016. These grants received full scrutiny and endorsement by the residents of the town at multiple levels of town government.

[4] In its brief, the town represents that the grants under the act "in this case are entirely consistent with previous funding by the town, other Massachusetts municipalities and the State itself. Over time, the town has approved fourteen other similar [projects under the act] (i.e., windows, roofs, and master planning) to preserve historic resources, including six owned by the town, five owned by private nonprofits, one owned by a church, and two owned by other private recipients."

The judge found that the first and third prongs of the test had been satisfied by the town.[5] With regard to the second factor, the judge assumed for the purposes of the analysis that the taxpayers would be able to show that the grants in fact substantially aided the church and she then conducted the balancing test, concluding that the grants did not run afoul of the anti-aid amendment.[6] She did not ignore the second factor; rather, the judge balanced the various factors, which are "cumulative and interrelated," Springfield, 382 Mass. at 675, in

[5] It is worth noting that between 2003 and 2014, the Massachusetts Historical Commission approved funding for thirty-eight projects involving active religious institutions through its Massachusetts Preservation Project Fund (16.5 per cent of all approved projects), including Vilna Shul in the Beacon Hill area of Boston, Trinity Church in Boston, and Saint George Greek Orthodox Cathedral in Springfield. There has been no evidence of the risks with which the court is concerned.

[6] Although there is no question that the grants must not "substantially aid" the church, the grants do not aid the "essential function" of the church within the meaning of the anti-aid amendment. Springfield, 382 Mass. at 680, 681. The grants are expressly limited to reimbursement of expenses incurred by the church on the projects and cannot be used to "for the purpose of founding, maintaining or aiding" the church's mission, see art. 18 of the Amendments to the Massachusetts Constitution, as amended by arts. 46 and 103 of the Amendments, or any purpose other than historical preservation. Springfield, supra (close monitoring of public funds prevents aid from becoming aid for entity's essential function). There appears to be no case that has held that a grant to a private organization necessarily constitutes "substantial aid" where the grant serves other important public purposes. See Helmes v. Commonwealth, 406 Mass. 873, 876-877 (1990); Springfield, supra at 675; Bloom v. School Comm. of Springfield, 376 Mass. 35, 47 (1978).

reaching her conclusion that the town had not violated the anti-aid amendment by issuing the preservation grant.[7]

The anti-aid amendment itself makes no distinction between secular and religious recipients of public funds; rather, as the court acknowledges, "the operative language in the amendment's two clauses is identical." Ante at . Indeed, as this court's anti-aid amendment cases repeatedly state, the amendment "marks no difference between 'aids,' whether religious or secular." Springfield, 382 Mass. at 674, n.14, quoting Bloom v. School Comm. of Springfield, 376 Mass. 35, 45 (1978). See Opinion of the Justices, 401 Mass. 1201, 1203 n.4 (1987); Attorney Gen. v. School Comm. of Essex, 387 Mass 326, 332 n.3 (1982). In my view, we cannot treat a religious institution differently from a secular private institution if we are to respect the text of the amendment and our own precedent. Applying that principle to this case, I conclude that the

---

[7] We have recognized that an incidental benefit to an entity is inevitable. In fact, in Helmes, we observed that a battleship would not be able to continue as a war memorial and likely would be forfeited to the Navy. Helmes, 406 Mass. at 877. See Springfield, 382 Mass. at 679-681 (secondary and indirect benefits to private schools do not qualify as "substantial aid" under anti-aid amendment). See also Attorney Gen. v. School Comm. of Essex, 387 Mass. 326, 332 (1982) ("The fact that a state law, passed to satisfy a public need, coincides with the personal desires of individuals most directly affected is certainly an inadequate reason . . . to say that a legislature has erroneously appraised the public need" [citation omitted]).

application of the three-factor Springfield test to religious institutions should be no more rigorous than the application of the test to any other grant under the act to any other secular private or charitable organization.[8]

In addition, although this case primarily concerns the State anti-aid amendment, our decision must also be mindful of applicable Federal constitutional provisions, such as the religion clauses of First Amendment to the United States Constitution. In Trinity Lutheran, decided this past June, the Supreme Court struck down a State's policy of denying public grants to religiously-affiliated applicants as a violation of the free exercise clause. Trinity Lutheran, 137 S. Ct. at 2024. The policy at issue there was based on a State constitutional provision requiring "[t]hat no money shall ever be taken from the public treasury, directly, or indirectly, in aid of any church." Id. at 2017. The court distinguishes Trinity Lutheran

[8] In addition to their argument concerning the risks posed by public support of religious institutions, the taxpayers voice other concerns that are not insubstantial. They claim that (1) the grant to the church violates their liberty of conscience if the grant is for a church they do not want to support; (2) the grant threatens the independence of religious institutions, making them "supplicants" for governmental aid that may bring intrusive governmental inquiries; and (3) the grant may be politically divisive and engender "religious biases" in grant making. Of course, taxpayers could make similar objections to grants provided to secular recipients. These are the concerns that the three-factor test in Springfield is designed to address.

from the present case by stating that, unlike the State constitutional provision there, Massachusetts's anti-aid amendment is not a categorical ban on religious institutions applying for and receiving public grants. In my opinion, however, Trinity Lutheran carries broader implications.

The Supreme Court further observed that a State policy requiring an applicant for public funds "to renounce its religious character in order to participate in an otherwise generally available public benefit program is," absent "a [S]tate interest 'of the highest order,'" "odious to our Constitution" (citation omitted). Id. at 2024-2025. As I read the court's analysis in this case, a historic religious building with an active congregation is at a distinct disadvantage when seeking funds under the act -- at least for purposes of a court's anti-aid scrutiny of that building's grant application -- compared to historic religious buildings that are no longer active. The historic religious building would then be confronted with the "odious" choice of "having to disavow its religious character" in order to participate in the Commonwealth's community preservation program. Id. at 2022.

Finally, I write to emphasize the importance of preserving our State's historic structures, in light of the significant cultural, aesthetic, and economic benefits such preservation bestows on the Commonwealth's cities and towns. The citizens

and the Legislature have determined that historic preservation is important so that future generations may appreciate the history of the Commonwealth. This determination has been expressed through the creation of a variety of historic districts and historical commissions, as well as State laws and regulations governing historic preservation.[9] We have likewise recognized this interest. See, e.g., Helmes, 406 Mass. at 877 (public money appropriated to nonprofit "to rehabilitate [a World War II] battleship, to preserve it as a memorial to citizens of the Commonwealth" served public purpose); Opinion of the Justices, 333 Mass. 773, 780 (1955) ("There has been substantial recognition by the courts of the public interest in the preservation of historic buildings, places, and districts").

"[S]tructures with special historic, cultural, or architectural significance enhance the quality of life for all," as they "represent the lessons of the past and embody precious features of our heritage." Penn Cent. Transp. Co. v. New York City, 438 U.S. 104, 108 (1978). Likewise, the careful craftsmanship of these buildings -- too often a feature of the past -- "serve as examples of quality for today," id., and

[9] For example, the Massachusetts Historical Commission was created by the Legislature in 1963, see St. 1963, c. 697, § 1, to identify, evaluate, and protect important historical and archaeological assets of the Commonwealth, G. L. c. 9, §§ 26-27D, including establishing and maintaining the State Register of Historic Places, G. L. c. 9, § 26C.

improve the aesthetics of our neighborhoods. Indeed, the building that this court occupies is a testament to that, having been placed on the National Register of Historic Places in 1974, and undergoing a magnificent renovation and restoration completed in 2005. Historic preservation also offers distinct economic advantages, by increasing property values, encouraging tourism, and generating local business. See, e.g., H.S. Edwards, The Guide for Future Preservation in Historic Districts Using a Creative Approach: Charleston, South Carolina's Contextual Approach to Historic Preservation, 20 U. Fla. J.L. & Pub. Pol'y 221, 223-225 (2009).

Churches, an undeniable part of the Commonwealth's historic landscape, achieve these same cultural, aesthetic, and economic benefits,[10] and likewise warrant preservation. During Massachusetts's early history, civic and religious life were in many ways one in the same. The meeting house -- perhaps the most iconic feature of a "quintessential New England town" -- served as the center of gravity for both public administration and religious worship. See, e.g., Witte, How to Govern a City

[10] According to one study conducted in 1996, the average historic religious place in an urban environment generates over $1.7 million annually in economic impact. Sacred Places, The Economic Halo Effect of Historic Sacred Places, at 4, 19 (undated), http://www.sacredplaces.org/uploads/files/16879092466251061-economic-halo-effect-of-historic-sacred-places.pdf [https://perma.cc/LEH3-5G88].

on a Hill: The Early Puritan Contribution to American Constitutionalism, 39 Emory Law J. 41, 57 (1990) ("Church meetinghouses and chapels were used not only to conduct religious services, but also to host town assemblies, political rallies, and public auctions . . ."). Colonial laws often required homes to be constructed within one mile of the meeting house. See, e.g., N.B. Shurtleff, ed., 1 Records of the Governor and Company of the Massachusetts Bay in New England, 157 (1853) (reflecting 1635 order of General Court that, in certain towns, no "dwelling howse" was to be "above halfe a myle from the meeting house" without legislative permission). Especially for buildings of such historic significance -- the institutional center of life in colonial Massachusetts -- we should be careful not to impose undue restrictions on their access to needed preservation funds.

# TOWN OF FRANKLIN
# RESOLUTION 25-27

## FY26 Community Preservation Appropriation of Funds - Capital

---

**PURPOSE:** To appropriate from Community Preservation Reserves available funds in the following amount, as recommended by the Community Preservation Committee, for one community preservation project in fiscal year 2026, in the total amount of One Hundred Thousand, Two Hundred Forty Five Dollars ($100,245):

| Source | Purpose | Amount |
|---|---|---|
| Historic Preservation Reserve | Franklin United Methodist Church | $ 100,245 |
| **Total** | | **$100,245** |

**MOTION**

Be It Moved and Voted by the Town Council that the sum of One Hundred Thousand, Two Hundred Forty Five Dollars ($100,245) be appropriated from the Community Preservation Reserves in the amount and for the project indicated above in Fiscal Year 2026.

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

---

**DATED:_____, 2025**

**VOTED: _____**

**UNANIMOUS: _____**

**A TRUE RECORD ATTEST:**

**YES: _____ NO: _____**

**ABSTAIN: _____ ABSENT: _____**

**RECUSED: _____**

**Nancy Danello, CMC**
**Town Clerk**

_____
**Glenn Jones, Clerk**
**Franklin Town Council**

TOWN
ADMINISTRATOR
TOWN of FRANKLIN

# MEMORANDUM

July 18, 2025

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

**RE: Resolution 25-49: 202 Washington Street Friendly 40B**

---

We are asking the Town Council to consider a Local Initiative Program (LIP) application for a proposed Friendly 40B development at 202 Washington Street. Project proponent, New Generation Custom Homes, will be giving a presentation to the Town Council at their July 23rd meeting.

Here is a quick project overview:

- 13 tri-plex units with 3 bedrooms per unit for ownership. Total unit count will be 39 units of for sale housing.
- 25% of the units will be affordable.
- Over 14 acres of land, with approximately 40% remaining undeveloped for recreational use.
- Access to Town water and sewer.
- Close proximity to 495.
- Pocket parks and trails to accommodate residents' outdoor needs and provide a high quality living environment.

New Generation Custom Homes presented to the Planning Board at their March 4th meeting, and after receiving recommendations from the Board, presented again at their April 7th meeting to address the recommendations. After considerable review and discussion, the Planning Board voted unanimously (5-0) to endorse the project. For more information on the Planning Board's decision, the April 9th dated recommendation letter from the Planning Board as well as the April 7th dated recommendations response letter from the proponent are both included in the agenda packet for the July 23rd Town Council meeting.

As a reminder, the Planning Board's review is non-binding and not legally part of the "Friendly 40B" process. However, as part of Franklin's process, we have asked them for their review as they have greater expertise that may help the community make more informed decisions.

The project did not go through the Conservation Commission preliminary review because there are no wetlands on the property.

For more information, please see the Planning Board materials referenced above as well as the project overview, plans, and proposed resolution which are all included in the agenda packet.

Please let us know if you have any questions.

Larissa's Court
Friendly 40B Project Summary
Local Initiative Program (LIP)
202 Washington Street
Franklin, Massachusetts

On behalf of the Applicant, New Generation Custom Homes, Guerriere & Halnon, Inc. is requesting the Town's support for the construction of a Friendly 40B development through the Town of Franklin's Local Initiative Program (LIP). The project site consists of the following parcels:

| Parcel ID | Address | Area (acres) | Zoning District |
|---|---|---|---|
| 304-044-000-000 | 202 Washington Street | 5.840 | Single Family III |
| 313-004-000-000 | 4 Taft Drive | 2.618 | Single Family III |
| 304-052-000-000 | Taft Drive | 5.877 | Single Family III |
| **Total Area (acres)** | | **14.335** | |

The project site is currently undeveloped, except for the existing single family residential house at 202 Washington Street, and abuts Route 495 to the north, 5-single family residential homes and Washington Street to the west, undeveloped land to the east and the Taft Drive development to the south. There are no wetland resource areas within 100 feet of the project area.

In accordance with the Department of Planning & Community Development (DPCD) Friendly Chapter 40B Projects – Local Initiative Program (LIP), Guerriere & Halnon, Inc. and Applicant attended two (2) Technical Staff Review meetings in March and June 2024 to present the proposed Friendly 40B project. Based on comments received in March 2024, modifications to the proposed layout were adjusted accordingly and presented in June 2024, which is consistent with the preliminary plan set enclosed.

The proposed development consists of 13-triplex units with 3 bedrooms per unit that will be connected to the Town's water and sewer infrastructure. This project is intended to make 25% of the housing units affordable in accordance with the Department of Housing and Community Development (DHCD). Since the majority of recent housing developments within the Town of Franklin and surrounding areas have consisted of multifamily apartment style complexes, this development would offer a more residential neighborhood community, and include affordable units, that can be incorporated into the Subsidized Housing Inventory (SHI) that is currently above the 10% affordable housing threshold.

The project site will have a double barrel entrance off Washington Street to accommodate residential and emergency vehicles maneuverability both in and out of the development as well as a 24' wide paved roadway throughout the site. Additional amenities being considered consist of pocket parks and trails to accommodate the residents. Approximately 40% of the 14.335 acres will remain undeveloped except for a cross-country sewer easement that will connect to the existing sewer main on Taft Drive.

Each triplex unit will have a single car garage and parking within the respective driveways, serviced by Town water and connected to the sewer collection system by individual pump systems, as needed, that will extend to a proposed gravity connection on the northeast side of the development. Roadways will be maintained through a home owner's association (HOA) and the development will have a common mailbox area and 14 proposed visitor parking spaces with a 5-foot wide sidewalk.

Larissa's Court
Friendly 40B Project Summary
Local Initiative Program (LIP)
202 Washington Street
Franklin, Massachusetts

The Applicant is currently coordinating with the New England Power Company to obtain an Assent Agreement to cross the 300-ft wide power easement with the proposed gravity sewer. The Applicant is proposing to maintain the existing house at 202 Washington Street and will connect to the developments sewer collection system by an individual pump system. A separate lot will be created for 202 Washington Street in conformance to the Town of Franklin Zoning Bylaws through the 81P Approval Not Required (ANR) plan process.

**Proposed Waivers:**

§185-29 Curbing – Allow modified cape cod berm within the development where granite or reinforced concrete curbing is required; Vertical granite curbing will be installed at the entrance roundings.

§300-13 Other Improvements (A) Sidewalks (1) – Allow the construction of a 5-foot wide sidewalk on one side of the roadway where a sidewalk on both sides of the roadway is required.

# "LARISSA'S COURT"

## Site Plan
## 202 Washington Street
## A Friendly 40B Development
## Franklin, Massachusetts

## Date: FEBRUARY 24, 2025

INDEX


1. COVER SHEET
2. EXISTING OVERVIEW
3. EXISTING CONDITIONS
4. EXISTING CONDITIONS
5. EROSION CONTROL & DEMOLITION PLAN
6. PROPOSED SITE LAYOUT
7. GRADING PLAN
8. UTILITY PLAN
9. UTILITY PLAN
10. LANDSCAPING PLAN
11. CONSTRUCTION DETAILS
12. CONSTRUCTION DETAILS
13. CONSTRUCTION DETAILS


ARCHITECTURAL PLANS (BY OTHERS)




VICINITY MAP
1"=800'

F4664

APPROVED DATE:
FRANKLIN ZONING BOARD

BEING A MAJORITY

LEGAL NOTES

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENTS, MARKINGS AND OTHER OBSERVED EVIDENCE TO GIVE A VIEW OF THE UNDERGROUND UTILITIES AND SHOULD BE CONSIDERED APPROXIMATE. BEFORE DIGGING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD DOCUMENTS OR OBSERVED PHYSICAL EVIDENCE, MAY EXIST. CONTRACTORS (IN ACCORDANCE WITH MASS.G.L. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG-SAFE(7233).

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

| OWNER | OWNER |
|---|---|
| FLORENCE T RISTAINO<br>PAUL R QUINN<br><br>202 WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 31923 PAGE 20<br>DEED BK 3568 PAGE 379<br>PLAN BK 71 PLAN 3448<br><br>**A.M. 304 LOT 44** | D'ANIELLO NOMINEE TRUST<br>ALBERT A D'ANIELLO, JR, TR<br>THERESA M D'ANIELLO, TR<br>2 TAFT DRIVE<br>FRANKLIN, MA 02038<br>PARCEL M<br>DEED BK 35729 PG 495<br>PL BK 365 PL No. 161B<br>CTF#: 197326<br>LOT 24 LCC 37023D<br>**A.M. 304 LOT 52** |
| OWNER | APPLICANT |
| FLORENCE T RISTAINO<br>MARGARET RISTAINO<br><br>OFF WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 12649 PAGE 586<br>PLAN BK 52 PLAN 2483<br><br>**A.M. 313 LOT 4** | NEW GENERATION<br>CUSTOM HOMES CORP<br>ATTN: MARCELO ALVES<br>40 ALPINE ROW<br>FRANKLIN,MA 02038 |

LARISSA'S COURT
SITE PLAN
202 WASHINGTON STREET
A FRIENDLY 40B DEVELOPMENT
FRANKLIN
MASSACHUSETTS

COVER

FEBRUARY 24, 2025

| DATE | REVISION DESCRIPTION |
|---|---|
| | |
| | |
| | |
| | |
| | |
| | |

GRAPHIC SCALE: 1"=40'

0 10 20 30 40 50 75 100 FEET
0 5 10 15 20 30 METERS


Guerriere & Halnon, Inc.
ENGINEERING & LAND SURVEYING
55 WEST CENTRAL ST. PH. (508) 528-3221
FRANKLIN, MA 02038 FX. (508) 528-7921
www.gandhengineering.com


SHEET 1 OF 13

JOB NO. F4664

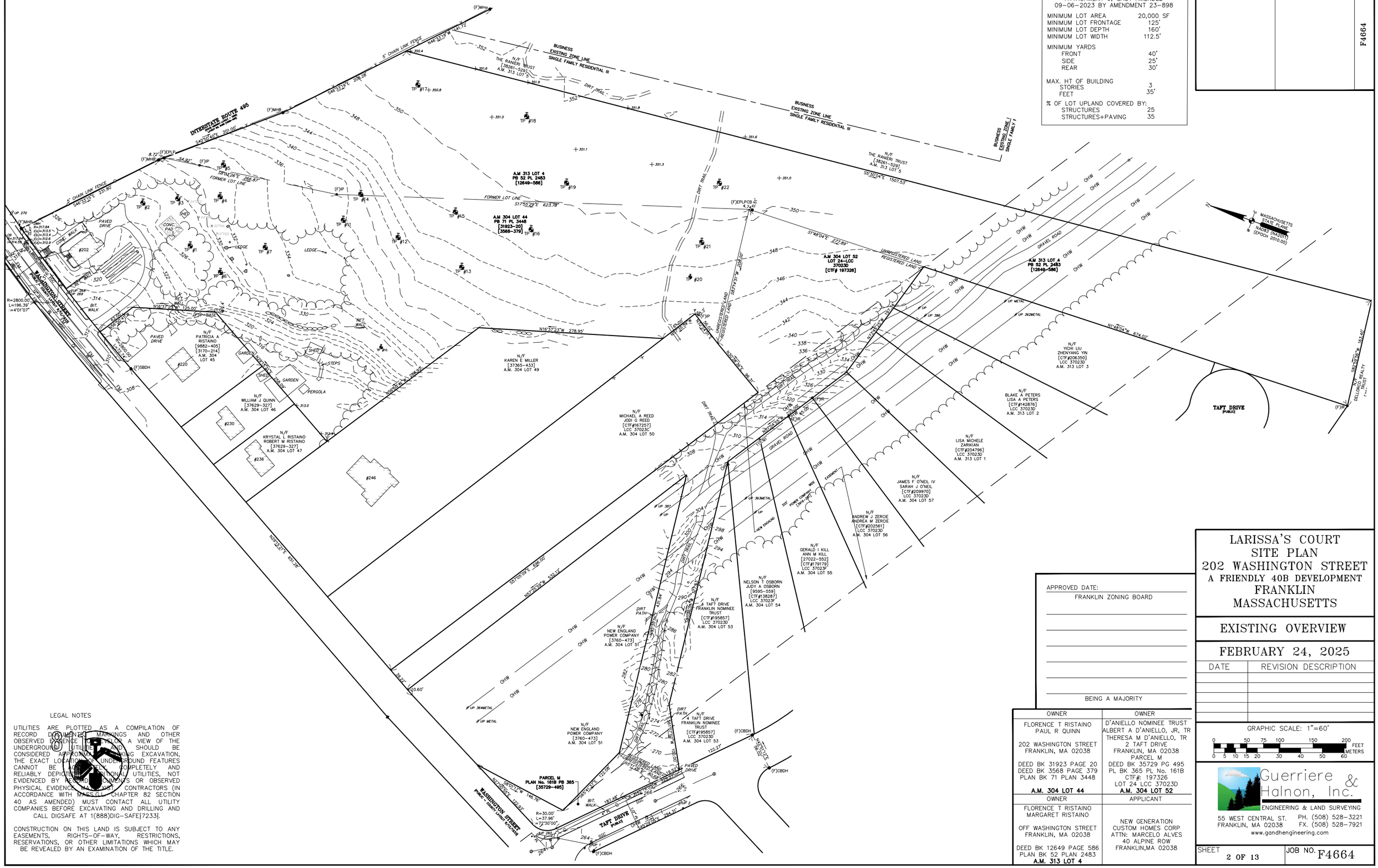

C:\GH-Sync\Guerriere & Halnon\Franklin - C3D\Projects\F4664\DWG\F4664-SURVEY BASE.dwg, 2/28/2025 8:10:06 AM, [REC]

## SINGLE–FAMILY RESIDENTIAL III

FRANKLIN ZONING BYLAW SECTION 185
ATTACHMENT 9; LAST AMENDED
09–06–2023 BY AMENDMENT 23–898

| | |
|---|---|
| MINIMUM LOT AREA | 20,000 SF |
| MINIMUM LOT FRONTAGE | 125' |
| MINIMUM LOT DEPTH | 160' |
| MINIMUM LOT WIDTH | 112.5' |
| MINIMUM YARDS | |
| FRONT | 40' |
| SIDE | 25' |
| REAR | 30' |
| MAX. HT OF BUILDING | |
| STORIES | 3 |
| FEET | 35' |
| % OF LOT UPLAND COVERED BY: | |
| STRUCTURES | 25 |
| STRUCTURES+PAVING | 35 |

F4664




### LEGAL NOTES

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENTS, MARKINGS AND OTHER OBSERVED EVIDENCE TO RELIEF A VIEW OF THE UNDERGROUND UTILITIES AND SHOULD BE CONSIDERED APPROXIMATE. PRIOR TO MAKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD DOCUMENTS OR OBSERVED PHYSICAL EVIDENCE, MAY EXIST. CONTRACTORS (IN ACCORDANCE WITH MASS.G.L. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG–SAFE{7233}.

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS–OF–WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

APPROVED DATE:

FRANKLIN ZONING BOARD

BEING A MAJORITY

| OWNER | OWNER |
|---|---|
| FLORENCE T RISTAINO<br>PAUL R QUINN<br><br>202 WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 31923 PAGE 20<br>DEED BK 3568 PAGE 379<br>PLAN BK 71 PLAN 3448<br>**A.M. 304 LOT 44** | D'ANIELLO NOMINEE TRUST<br>ALBERT A D'ANIELLO, JR, TR<br>THERESA M D'ANIELLO, TR<br>2 TAFT DRIVE<br>FRANKLIN, MA 02038<br>PARCEL M<br>DEED BK 35729 PG 495<br>PL BK 365 PL No. 161B<br>CTF#: 197326<br>LOT 24 LCC 37023D<br>**A.M. 304 LOT 52** |
| OWNER | APPLICANT |
| FLORENCE T RISTAINO<br>MARGARET RISTAINO<br><br>OFF WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 12649 PAGE 586<br>PLAN BK 52 PLAN 2483<br>**A.M. 313 LOT 4** | NEW GENERATION<br>CUSTOM HOMES CORP<br>ATTN: MARCELO ALVES<br>40 ALPINE ROW<br>FRANKLIN,MA 02038 |

# LARISSA'S COURT
# SITE PLAN
# 202 WASHINGTON STREET
## A FRIENDLY 40B DEVELOPMENT
# FRANKLIN
# MASSACHUSETTS

## EXISTING OVERVIEW

FEBRUARY 24, 2025

| DATE | REVISION DESCRIPTION |
|---|---|
| | |
| | |
| | |
| | |
| | |

GRAPHIC SCALE: 1"=60'

0 50 75 100 150 200 FEET
0 5 10 15 20 30 40 50 60 METERS


Guerriere & Halnon, Inc.
ENGINEERING & LAND SURVEYING
55 WEST CENTRAL ST.
FRANKLIN, MA 02038
PH. (508) 528–3221
FX. (508) 528–7921
www.gandhengineering.com


SHEET 2 OF 13

JOB NO. F4664

C:\GH-Sync\Guerriere & Halnon\Franklin - C3D\Projects\F4664\DWG\F4664-SURVEY BASE.dwg, 2/28/2025 8:10:54 AM, [REC]

# LEGEND

| | | | |
|---|---|---|---|
| ⊞ | CATCH BASIN | ☼ | LIGHT POLE |
| Ⓓ | DRAIN MANHOLE | | UTILITY POLE |
| Ⓔ | ELECTRIC MANHOLE | | GUY WIRE |
| Ⓢ | SEWER MANHOLE | | SIGN |
| ○ | MANHOLE | ● | WETFLAG |
| GV ⋈ | GAS VALVE | | UTILITY POLE |
| | GAS SHUT OFF VALVE | ☼ | PROP. STREET LIGHTING |
| WV ⋈ | WATER VALVE | | |
| | WATER SHUT OFF VALVE | X 000.0 | SPOT ELEVATION |
| | FIRE HYDRANT | | RIPRAP |

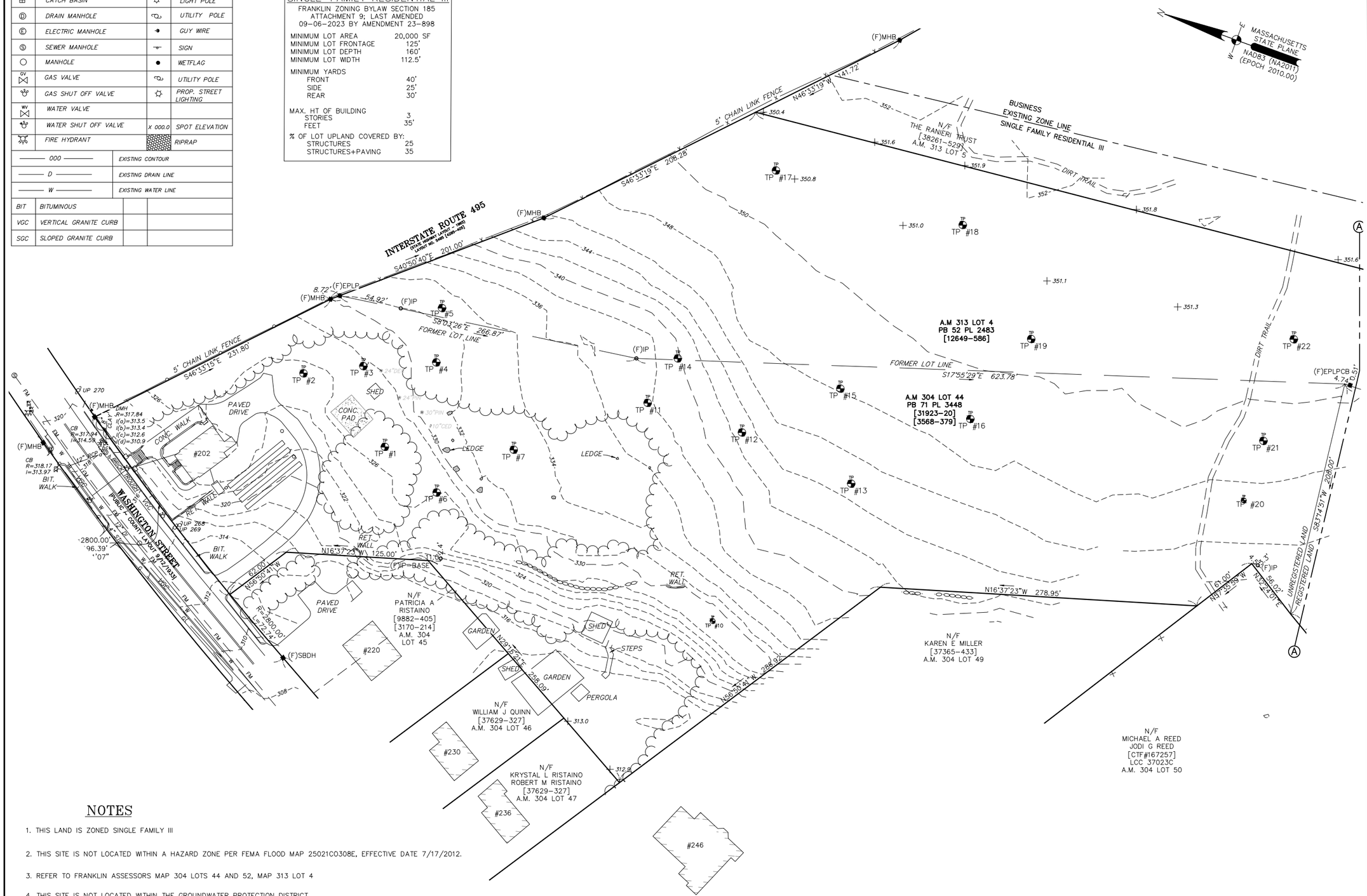
| | |
|---|---|
| 000 | EXISTING CONTOUR |
| D | EXISTING DRAIN LINE |
| W | EXISTING WATER LINE |

| | | | |
|---|---|---|---|
| BIT | BITUMINOUS | | |
| VGC | VERTICAL GRANITE CURB | | |
| SGC | SLOPED GRANITE CURB | | |

## SINGLE–FAMILY RESIDENTIAL III

FRANKLIN ZONING BYLAW SECTION 185
ATTACHMENT 9; LAST AMENDED
09–06–2023 BY AMENDMENT 23–898

| | |
|---|---|
| MINIMUM LOT AREA | 20,000 SF |
| MINIMUM LOT FRONTAGE | 125' |
| MINIMUM LOT DEPTH | 160' |
| MINIMUM LOT WIDTH | 112.5' |
| MINIMUM YARDS | |
| FRONT | 40' |
| SIDE | 25' |
| REAR | 30' |
| MAX. HT OF BUILDING | |
| STORIES | 3 |
| FEET | 35' |
| % OF LOT UPLAND COVERED BY: | |
| STRUCTURES | 25 |
| STRUCTURES+PAVING | 35 |




## NOTES

1. THIS LAND IS ZONED SINGLE FAMILY III
2. THIS SITE IS NOT LOCATED WITHIN A HAZARD ZONE PER FEMA FLOOD MAP 25021C0308E, EFFECTIVE DATE 7/17/2012.
3. REFER TO FRANKLIN ASSESSORS MAP 304 LOTS 44 AND 52, MAP 313 LOT 4
4. THIS SITE IS NOT LOCATED WITHIN THE GROUNDWATER PROTECTION DISTRICT.
5. ALL REFERENCED DEEDS ARE ON RECORD AT THE NORFOLK REGISTRY OF DEEDS.
6. THIS SITE IS NOT LOCATED WITHIN A NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM AREA.
7. ELEVATIONS ARE BASED ON HORIZONTAL DATUM:NAD83; VERTICAL DATUM: NAVD88.
8. FOR SOIL TESTING DATA SEE DETAIL SHEET 11 OF 13.

C:\GH-Sync\Guerriere & Halnon\Franklin - C3D\Projects\F4664\DWG\F4664-SURVEY BASE.dwg, 2/28/2025 8:11:24 AM, [REC]

F4664

APPROVED DATE:
FRANKLIN ZONING BOARD

BEING A MAJORITY

### LEGAL NOTES

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENTS, MARKINGS AND OTHER OBSERVED EVIDENCE TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES AND SHOULD BE CONSIDERED APPROXIMATE. BEFORE DIGGING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD DOCUMENTS OR OBSERVED PHYSICAL EVIDENCE, MAY EXIST. CONTRACTORS (IN ACCORDANCE WITH MASS GL CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG–SAFE{7233}.

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS–OF–WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

| OWNER | OWNER |
|---|---|
| FLORENCE T RISTAINO<br>PAUL R QUINN<br><br>202 WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 31923 PAGE 20<br>DEED BK 3568 PAGE 379<br>PLAN BK 71 PLAN 3448<br>**A.M. 304 LOT 44** | D'ANIELLO NOMINEE TRUST<br>ALBERT A D'ANIELLO, JR, TR<br>THERESA M D'ANIELLO, TR<br>2 TAFT DRIVE<br>FRANKLIN, MA 02038<br>PARCEL M<br>DEED BK 35729 PG 495<br>PL BK 365 PL No. 161B<br>CTF#: 197326<br>LOT 24 LCC 37023D<br>**A.M. 304 LOT 52** |
| OWNER | APPLICANT |
| FLORENCE T RISTAINO<br>MARGARET RISTAINO<br><br>OFF WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 12649 PAGE 586<br>PLAN BK 52 PLAN 2483<br><br>**A.M. 313 LOT 4** | NEW GENERATION<br>CUSTOM HOMES CORP<br>ATTN: MARCELO ALVES<br>40 ALPINE ROW<br>FRANKLIN,MA 02038 |

# LARISSA'S COURT
# SITE PLAN
# 202 WASHINGTON STREET
## A FRIENDLY 40B DEVELOPMENT
## FRANKLIN
## MASSACHUSETTS

## EXISTING CONDITIONS

## FEBRUARY 24, 2025

| DATE | REVISION DESCRIPTION |
|---|---|
| | |

GRAPHIC SCALE: 1"=40'

0 10 20 30 40 50 75 100 FEET
0 5 10 15 20 30 METERS


Guerriere & Halnon, Inc.
ENGINEERING & LAND SURVEYING
55 WEST CENTRAL ST. PH. (508) 528–3221
FRANKLIN, MA 02038 FX. (508) 528–7921
www.gandhengineering.com


SHEET 3 OF 13

JOB NO. F4664

# LEGEND

| | | | |
|---|---|---|---|
| ⊞ | CATCH BASIN | ☼ | LIGHT POLE |
| Ⓓ | DRAIN MANHOLE | | UTILITY POLE |
| Ⓔ | ELECTRIC MANHOLE | | GUY WIRE |
| Ⓢ | SEWER MANHOLE | | SIGN |
| ○ | MANHOLE | ● | WETFLAG |
| GV | GAS VALVE | | UTILITY POLE |
| | GAS SHUT OFF VALVE | ☼ | PROP. STREET LIGHTING |
| WV | WATER VALVE | | |
| | WATER SHUT OFF VALVE | x 000.0 | SPOT ELEVATION |
| | FIRE HYDRANT | | RIPRAP |

| | |
|---|---|
| 000 | EXISTING CONTOUR |
| D | EXISTING DRAIN LINE |
| W | EXISTING WATER LINE |

| | |
|---|---|
| BIT | BITUMINOUS |
| VGC | VERTICAL GRANITE CURB |
| SGC | SLOPED GRANITE CURB |

## SINGLE–FAMILY RESIDENTIAL III

FRANKLIN ZONING BYLAW SECTION 185
ATTACHMENT 9; LAST AMENDED
09–06–2023 BY AMENDMENT 23–898

| | |
|---|---|
| MINIMUM LOT AREA | 20,000 SF |
| MINIMUM LOT FRONTAGE | 125' |
| MINIMUM LOT DEPTH | 160' |
| MINIMUM LOT WIDTH | 112.5' |
| MINIMUM YARDS | |
| FRONT | 40' |
| SIDE | 25' |
| REAR | 30' |
| MAX. HT OF BUILDING | |
| STORIES | 3 |
| FEET | 35' |
| % OF LOT UPLAND COVERED BY: | |
| STRUCTURES | 25 |
| STRUCTURES+PAVING | 35 |

SINGLE FAMILY RESIDENTIAL III ZONE LINE

N/F THE RANIERI TRUST [38261–529] A.M. 313 LOT 5

S5°30'04"E 1507.53'

EPLPCB 4.74

S1°48'04"E 277.89'

A.M 304 LOT 52
LOT 24–LCC
37023D
[CTF# 197326]

A.M 313 LOT 4
PB 52 PL 2483
[12649–586]

UNREGISTERED LAND / REGISTERED LAND

S83°14'51"W 208.00'

N30°38'36"E 96.31'

N73°45'25"W 197.74'

N1°48'04"W 674.02'

N82°59'56"E 597.02'

S4°02'40"E 85.65' TO (F)DH

S82°59'56"W 163.40'

GRAVEL ROAD

DIRT TRAIL

N57°04'56"W 233.00'

N/F YICHI LIU ZHENYANG YIN [CTF#206350] LCC 37023D A.M. 313 LOT 3

N/F BLAKE A PETERS LISA A PETERS [CTF#142876] LCC 37023D A.M. 313 LOT 2

N/F LISA MICHELE ZARIKIAN [CTF#204796] LCC 37023D A.M. 313 LOT 1

N/F JAMES F O'NEIL IV SARAH J O'NEIL [CTF#209970] LCC 37023D A.M. 304 LOT 57

N/F ANDREW J ZERCIE ANDREA M ZERCIE [CTF#202561] LCC 37023D A.M. 304 LOT 56

N/F GERALD I KILL ANN M KILL [27022–552] [CTF#179179] LCC 37023F A.M. 304 LOT 55

N/F NELSON T OSBORN JUDY A OSBORN [9595–559] [CTF#138287] LCC 37023F A.M. 304 LOT 54

N/F 4 TAFT DRIVE FRANKLIN NOMINEE TRUST [CTF#195857] LCC 37023D A.M. 304 LOT 53

N/F NEW ENGLAND POWER COMPANY [3760–473] A.M. 304 LOT 51

N/F DELLORCO REALTY TRUST [7857–683] A.M. 313 LOT 43

TAFT DRIVE (PUBLIC)

POWER COMPANY WIDE EASEMENT [3916–281]

NEW ENGLAND

DIRT PATH

MASSACHUSETTS STATE PLANE NAD83 (NA2011) (EPOCH 2010.00)

## PARCEL M PLAN No. 161B PB 365 [35729–495]

WASHINGTON STREET (PUBLIC – COUNTY LAYOUT 9/12/1833)

N27°00'55"E 122.93'

S8°01'17"W 146.76'

N36°41'32"E 122.08'

N51°28'57"W 90.65'

S61°02'30"W 100.00'

N39°05'03"W 167.48'

R=30.00'
L=37.96'
Δ=72°30'00"

BIT. WALK

SGC

4" PL

12" PL

S45°29'06"E 294.31'

PAVED DRIVE

122.27'

N42°51'12"E 58.02'

(F)CBDH

(F)IR

(F)DH

## LEGAL NOTES

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENTS, MARKINGS AND OTHER OBSERVED EVIDENCE TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES AND SHOULD BE CONSIDERED APPROXIMATE. PRIOR TO EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD DRAWINGS OR OBSERVED PHYSICAL EVIDENCE, MAY EXIST. CONTRACTORS (IN ACCORDANCE WITH MASS GL CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG–SAFE{7233}.

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS–OF–WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

| OWNER | OWNER |
|---|---|
| FLORENCE T RISTAINO<br>PAUL R QUINN<br><br>202 WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 31923 PAGE 20<br>DEED BK 3568 PAGE 379<br>PLAN BK 71 PLAN 3448<br><br>**A.M. 304 LOT 44** | D'ANIELLO NOMINEE TRUST<br>ALBERT A D'ANIELLO, JR, TR<br>THERESA M D'ANIELLO, TR<br>2 TAFT DRIVE<br>FRANKLIN, MA 02038<br>PARCEL M<br>DEED BK 35729 PG 495<br>PL BK 365 PL No. 161B<br>CTF#: 197326<br>LOT 24 LCC 37023D<br>**A.M. 304 LOT 52** |
| OWNER | APPLICANT |
| FLORENCE T RISTAINO<br>MARGARET RISTAINO<br><br>OFF WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 12649 PAGE 586<br>PLAN BK 52 PLAN 2483<br><br>**A.M. 313 LOT 4** | NEW GENERATION<br>CUSTOM HOMES CORP<br>ATTN: MARCELO ALVES<br>40 ALPINE ROW<br>FRANKLIN,MA 02038 |

F4664

APPROVED DATE:

FRANKLIN ZONING BOARD

BEING A MAJORITY

# LARISSA'S COURT
# SITE PLAN
# 202 WASHINGTON STREET
## A FRIENDLY 40B DEVELOPMENT
# FRANKLIN
# MASSACHUSETTS

## EXISTING CONDITIONS

FEBRUARY 24, 2025

| DATE | REVISION DESCRIPTION |
|---|---|
| | |

GRAPHIC SCALE: 1"=40'

0 10 20 30 40 50 75 100 FEET
0 5 10 15 20 30 METERS


Guerriere & Halnon, Inc.
ENGINEERING & LAND SURVEYING
55 WEST CENTRAL ST. PH. (508) 528–3221
FRANKLIN, MA 02038 FX. (508) 528–7921
www.gandhengineering.com


SHEET 4 OF 13

JOB NO. F4664

C:\GH-Sync\Guerriere & Halnon\Franklin - C3D\Projects\F4664\DWG\F4664-SURVEY BASE.dwg, 2/28/2025 8:11:45 AM, [REC]

# LEGEND

| | | | |
|---|---|---|---|
| ⊞ | CATCH BASIN | ☼ | LIGHT POLE |
| Ⓓ | DRAIN MANHOLE | | UTILITY POLE |
| Ⓔ | ELECTRIC MANHOLE | | GUY WIRE |
| Ⓢ | SEWER MANHOLE | | SIGN |
| ○ | MANHOLE | ● | WETFLAG |
| GV | GAS VALVE | | UTILITY POLE |
| | GAS SHUT OFF VALVE | ☼ | PROP. STREET LIGHTING |
| WV | WATER VALVE | | |
| | WATER SHUT OFF VALVE | X 000.0 | SPOT ELEVATION |
| | FIRE HYDRANT | | RIPRAP |

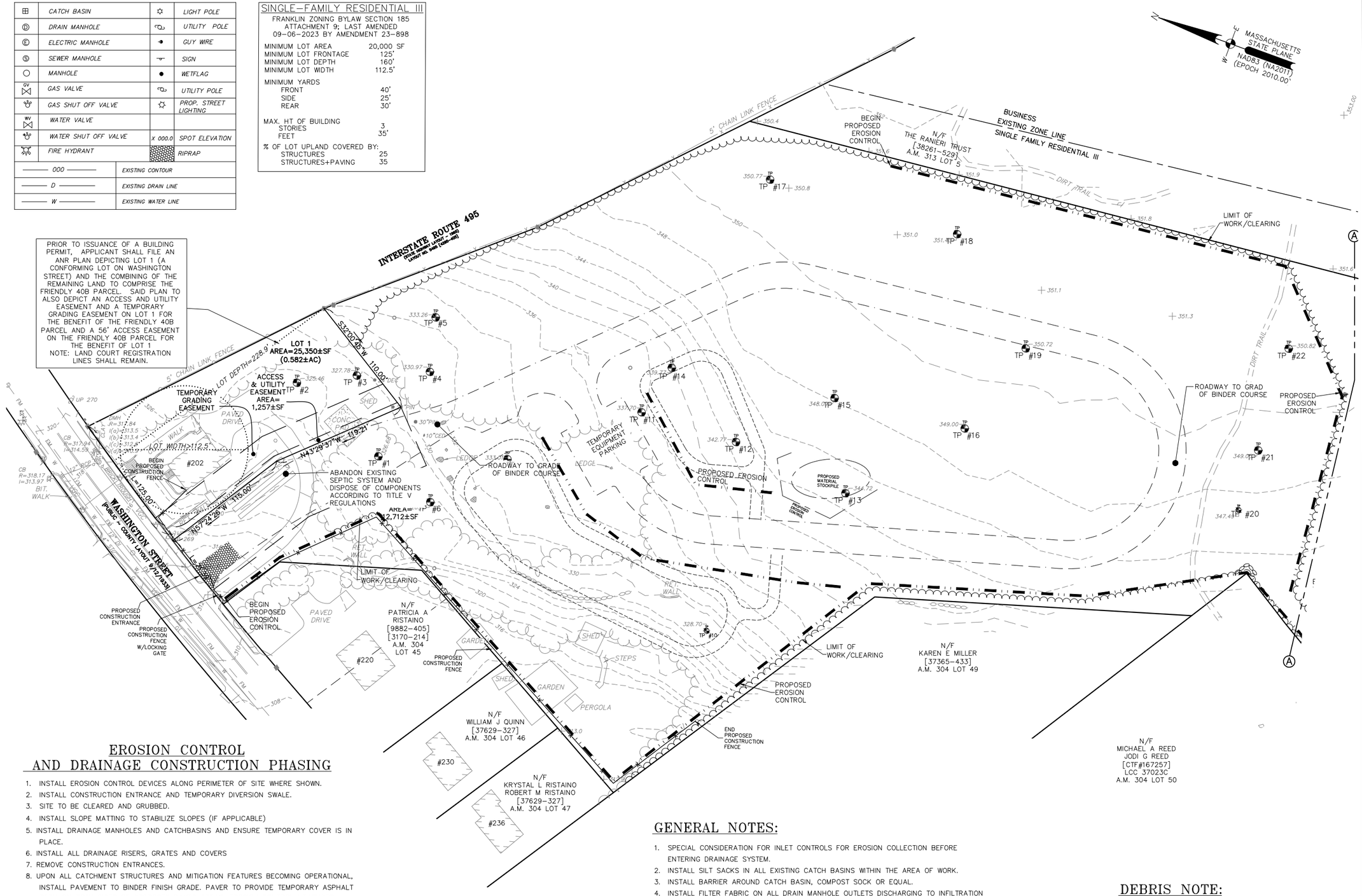
| | |
|---|---|
| 000 | EXISTING CONTOUR |
| D | EXISTING DRAIN LINE |
| W | EXISTING WATER LINE |

## SINGLE–FAMILY RESIDENTIAL III

FRANKLIN ZONING BYLAW SECTION 185
ATTACHMENT 9; LAST AMENDED
09–06–2023 BY AMENDMENT 23–898

| | |
|---|---|
| MINIMUM LOT AREA | 20,000 SF |
| MINIMUM LOT FRONTAGE | 125' |
| MINIMUM LOT DEPTH | 160' |
| MINIMUM LOT WIDTH | 112.5' |
| MINIMUM YARDS | |
| FRONT | 40' |
| SIDE | 25' |
| REAR | 30' |
| MAX. HT OF BUILDING | |
| STORIES | 3 |
| FEET | 35' |
| % OF LOT UPLAND COVERED BY: | |
| STRUCTURES | 25 |
| STRUCTURES+PAVING | 35 |

PRIOR TO ISSUANCE OF A BUILDING PERMIT, APPLICANT SHALL FILE AN ANR PLAN DEPICTING LOT 1 (A CONFORMING LOT ON WASHINGTON STREET) AND THE COMBINING OF THE REMAINING LAND TO COMPRISE THE FRIENDLY 40B PARCEL. SAID PLAN TO ALSO DEPICT AN ACCESS AND UTILITY EASEMENT AND A TEMPORARY GRADING EASEMENT ON LOT 1 FOR THE BENEFIT OF THE FRIENDLY 40B PARCEL AND A 56' ACCESS EASEMENT ON THE FRIENDLY 40B PARCEL FOR THE BENEFIT OF LOT 1
NOTE: LAND COURT REGISTRATION LINES SHALL REMAIN.




## EROSION CONTROL AND DRAINAGE CONSTRUCTION PHASING

1. INSTALL EROSION CONTROL DEVICES ALONG PERIMETER OF SITE WHERE SHOWN.
2. INSTALL CONSTRUCTION ENTRANCE AND TEMPORARY DIVERSION SWALE.
3. SITE TO BE CLEARED AND GRUBBED.
4. INSTALL SLOPE MATTING TO STABILIZE SLOPES (IF APPLICABLE)
5. INSTALL DRAINAGE MANHOLES AND CATCHBASINS AND ENSURE TEMPORARY COVER IS IN PLACE.
6. INSTALL ALL DRAINAGE RISERS, GRATES AND COVERS
7. REMOVE CONSTRUCTION ENTRANCES.
8. UPON ALL CATCHMENT STRUCTURES AND MITIGATION FEATURES BECOMING OPERATIONAL, INSTALL PAVEMENT TO BINDER FINISH GRADE. PAVER TO PROVIDE TEMPORARY ASPHALT BERM ON BOTH SIDES OF PROPOSED PAVED AREAS. EROSION CONTROL MEASURES BACKED BY CRUSHED STONE TO BE PROVIDED ON DOWN GRADIENT SIDE OF CATCH BASINS TO DIRECT WATER TO TEMPORARY BASIN.
9. REMOVE TEMPORARY SEDIMENTATION BASIN AND FOREBAY AFTER SITE HAS BEEN STABILIZED AND PREPARED FOR BUILDING FOUNDATION INSTALLATION.
10. EROSION CONTROL AND TEMPORARY DIVERSION SWALE TO REMAIN IN PLACE UNTIL ALL DRAINAGE IS CONSTRUCTED AND INSPECTED AND READY TO RECEIVE FULL DESIGN FLOWS.

## GENERAL NOTES:

1. SPECIAL CONSIDERATION FOR INLET CONTROLS FOR EROSION COLLECTION BEFORE ENTERING DRAINAGE SYSTEM.
2. INSTALL SILT SACKS IN ALL EXISTING CATCH BASINS WITHIN THE AREA OF WORK.
3. INSTALL BARRIER AROUND CATCH BASIN, COMPOST SOCK OR EQUAL.
4. INSTALL FILTER FABRIC ON ALL DRAIN MANHOLE OUTLETS DISCHARGING TO INFILTRATION SYSTEM.
5. INSPECTIONS BEFORE AND AFTER STORM EVENTS ARE REQUIRED TO INSURE ADEQUACY OF EROSION CONTROL MEASURES.
6. STOCK PILE AREA TO BE CONTAINED USING EROSION CONTROL DEVICES
7. DIRT BAG SHALL BE USED TO PERIODICALLY CLEAN THE TEMPORARY SEDIMENTATION BASINS DURING CONSTRUCTION.
8. A CONSTRUCTION FENCE SHALL BE PLACED AROUND THE PERIMETER OF THE SITE.
9. FOR ADDITIONAL EROSION CONTROL NOTES SEE DETAIL SHEET 10 OF 13.

## DEBRIS NOTE:

1. PRIOR TO ANY WORK COMMENCING THE PROPERTY, THE OWNER WILL LIMIT CONSTRUCTION DEBRIS AND MATERIALS ON THE SITE. IN THE EVENT THAT DEBRIS IS CARRIED ONTO ANY PUBLIC WAY, THE OWNER/APPLICANT AND HIS ASSIGNS SHALL BE RESPONSIBLE FOR ALL CLEANUP OF THE ROADWAY. ALL CLEANUPS SHALL OCCUR WITHIN 24 HOURS AFTER FIRST WRITTEN NOTIFIACTION TO THE OWNER/APPLIACNT BY THE BOARD OR ITS DESIGNEE.

F4664

APPROVED DATE:
FRANKLIN ZONING BOARD

BEING A MAJORITY

### LEGAL NOTES

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENTS, MARKINGS AND OTHER OBSERVED EVIDENCE TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES AND SHOULD BE CONSIDERED APPROXIMATE. BEFORE DIGGING, EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD DRAWINGS OR OBSERVED PHYSICAL EVIDENCE MAY EXIST. CONTRACTORS (IN ACCORDANCE WITH MASSGIL CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG–SAFE{7233}.

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS–OF–WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

| OWNER | OWNER |
|---|---|
| FLORENCE T RISTAINO<br>PAUL R QUINN<br><br>202 WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 31923 PAGE 20<br>DEED BK 3568 PAGE 379<br>PLAN BK 71 PLAN 3448<br><br>**A.M. 304 LOT 44** | D'ANIELLO NOMINEE TRUST<br>ALBERT A D'ANIELLO, JR, TR<br>THERESA M D'ANIELLO, TR<br>2 TAFT DRIVE<br>FRANKLIN, MA 02038<br>PARCEL M<br>DEED BK 35729 PG 495<br>PL BK 365 PL No. 161B<br>CTF#: 197326<br>LOT 24 LCC 37023D<br>**A.M. 304 LOT 52** |
| OWNER | APPLICANT |
| FLORENCE T RISTAINO<br>MARGARET RISTAINO<br><br>OFF WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 12649 PAGE 586<br>PLAN BK 52 PLAN 2483<br><br>**A.M. 313 LOT 4** | NEW GENERATION<br>CUSTOM HOMES CORP<br>ATTN: MARCELO ALVES<br>40 ALPINE ROW<br>FRANKLIN,MA 02038 |

# LARISSA'S COURT
# SITE PLAN
# 202 WASHINGTON STREET
## A FRIENDLY 40B DEVELOPMENT
## FRANKLIN
## MASSACHUSETTS

## EROSION CONTROL & DEMOLITION PLAN

FEBRUARY 24, 2025

| DATE | REVISION DESCRIPTION |
|---|---|
| | |

GRAPHIC SCALE: 1"=40'
0 10 20 30 40 50 75 100 FEET
0 5 10 15 20 30 METERS


Guerriere & Halnon, Inc.
ENGINEERING & LAND SURVEYING
55 WEST CENTRAL ST. PH. (508) 528–3221
FRANKLIN, MA 02038 FX. (508) 528–7921
www.gandhengineering.com


SHEET 5 OF 13 JOB NO. F4664

C:\GH-Sync\Guerriere & Halnon\Franklin - CSD\Projects\F4664\DWG\F4664-SITE.dwg, 2/28/2025 8:13:00 AM, [REC]

## LEGEND

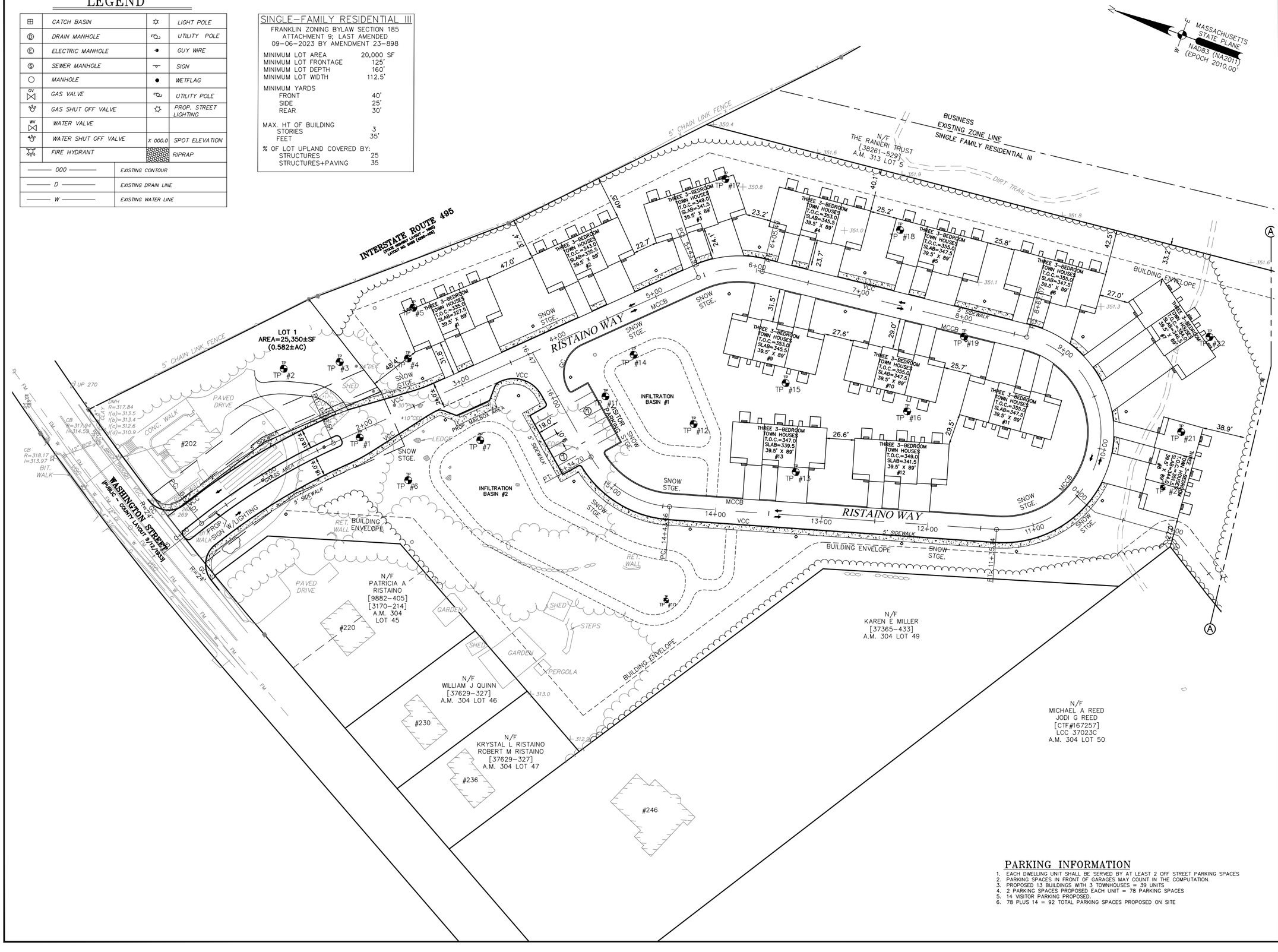
| | | | |
|---|---|---|---|
| ⊞ | CATCH BASIN | ☼ | LIGHT POLE |
| Ⓓ | DRAIN MANHOLE | | UTILITY POLE |
| Ⓔ | ELECTRIC MANHOLE | | GUY WIRE |
| Ⓢ | SEWER MANHOLE | | SIGN |
| ○ | MANHOLE | ● | WETFLAG |
| GV | GAS VALVE | | UTILITY POLE |
| | GAS SHUT OFF VALVE | ☼ | PROP. STREET LIGHTING |
| WV | WATER VALVE | | |
| | WATER SHUT OFF VALVE | X 000.0 | SPOT ELEVATION |
| | FIRE HYDRANT | | RIPRAP |

| | |
|---|---|
| 000 | EXISTING CONTOUR |
| D | EXISTING DRAIN LINE |
| W | EXISTING WATER LINE |

## SINGLE–FAMILY RESIDENTIAL III

FRANKLIN ZONING BYLAW SECTION 185
ATTACHMENT 9; LAST AMENDED
09–06–2023 BY AMENDMENT 23–898

| | |
|---|---|
| MINIMUM LOT AREA | 20,000 SF |
| MINIMUM LOT FRONTAGE | 125' |
| MINIMUM LOT DEPTH | 160' |
| MINIMUM LOT WIDTH | 112.5' |
| MINIMUM YARDS | |
| FRONT | 40' |
| SIDE | 25' |
| REAR | 30' |
| MAX. HT OF BUILDING | |
| STORIES | 3 |
| FEET | 35' |
| % OF LOT UPLAND COVERED BY: | |
| STRUCTURES | 25 |
| STRUCTURES+PAVING | 35 |




## PARKING INFORMATION

1. EACH DWELLING UNIT SHALL BE SERVED BY AT LEAST 2 OFF STREET PARKING SPACES
2. PARKING SPACES IN FRONT OF GARAGES MAY COUNT IN THE COMPUTATION.
3. PROPOSED 13 BUILDINGS WITH 3 TOWNHOUSES = 39 UNITS
4. 2 PARKING SPACES PROPOSED EACH UNIT = 78 PARKING SPACES
5. 14 VISITOR PARKING PROPOSED.
6. 78 PLUS 14 = 92 TOTAL PARKING SPACES PROPOSED ON SITE

F4664

APPROVED DATE:
FRANKLIN ZONING BOARD

BEING A MAJORITY

### LEGAL NOTES

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENTS, MARKINGS AND OTHER OBSERVED EVIDENCE TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES AND SHOULD BE CONSIDERED APPROXIMATE. WORKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD DRAWINGS OR OBSERVED PHYSICAL EVIDENCE MAY EXIST. CONTRACTORS (IN ACCORDANCE WITH MASS.GL. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG–SAFE{7233}.

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS–OF–WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

| OWNER | OWNER |
|---|---|
| FLORENCE T RISTAINO<br>PAUL R QUINN<br><br>202 WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 31923 PAGE 20<br>DEED BK 3568 PAGE 379<br>PLAN BK 71 PLAN 3448<br><br>**A.M. 304 LOT 44** | D'ANIELLO NOMINEE TRUST<br>ALBERT A D'ANIELLO, JR, TR<br>THERESA M D'ANIELLO, TR<br>2 TAFT DRIVE<br>FRANKLIN, MA 02038<br>PARCEL M<br>DEED BK 35729 PG 495<br>PL BK 365 PL No. 161B<br>CTF#: 197326<br>LOT 24 LCC 37023D<br>**A.M. 304 LOT 52** |
| OWNER | APPLICANT |
| FLORENCE T RISTAINO<br>MARGARET RISTAINO<br><br>OFF WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 12649 PAGE 586<br>PLAN BK 52 PLAN 2483<br><br>**A.M. 313 LOT 4** | NEW GENERATION<br>CUSTOM HOMES CORP<br>ATTN: MARCELO ALVES<br>40 ALPINE ROW<br>FRANKLIN,MA 02038 |

# LARISSA'S COURT
# SITE PLAN
# 202 WASHINGTON STREET
## A FRIENDLY 40B DEVELOPMENT
# FRANKLIN
# MASSACHUSETTS

## SITE PLAN

## FEBRUARY 24, 2025

| DATE | REVISION DESCRIPTION |
|---|---|
| | |
| | |
| | |
| | |
| | |
| | |

GRAPHIC SCALE: 1"=40'

0 10 20 30 40 50 75 100 FEET
0 5 10 15 20 30 METERS


Guerriere & Halnon, Inc.
ENGINEERING & LAND SURVEYING
55 WEST CENTRAL ST. PH. (508) 528–3221
FRANKLIN, MA 02038 FX. (508) 528–7921
www.gandhengineering.com


SHEET 6 OF 13

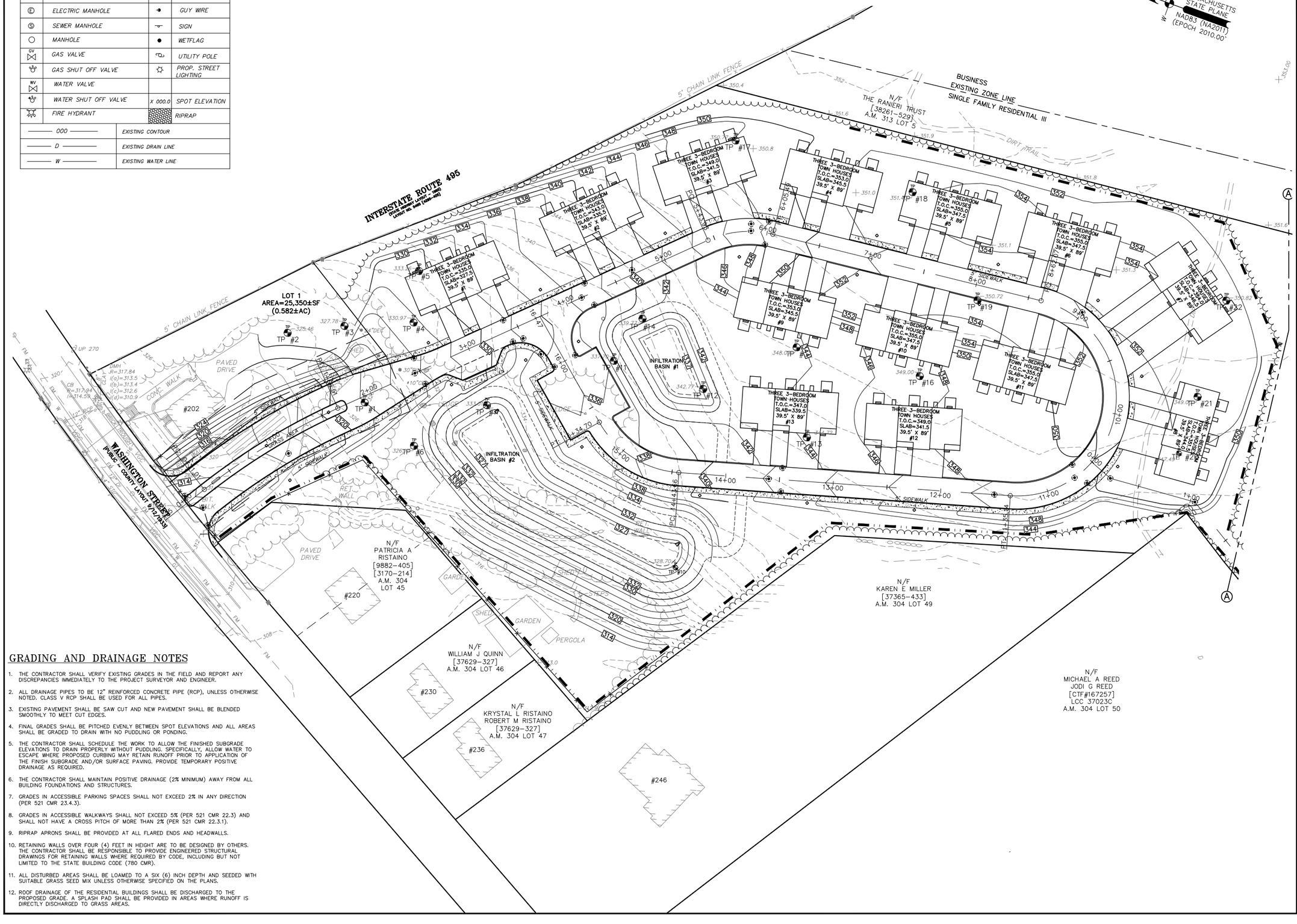
JOB NO. F4664

C:\GH-Sync\Guerriere & Halnon\Franklin - C3D\Projects\F4664\DWG\F4664-SITE.dwg, 2/28/2025 8:13:39 AM, [REC]

## LEGEND

| | | | |
|---|---|---|---|
| ⊞ | CATCH BASIN | ☼ | LIGHT POLE |
| Ⓓ | DRAIN MANHOLE | | UTILITY POLE |
| Ⓔ | ELECTRIC MANHOLE | | GUY WIRE |
| Ⓢ | SEWER MANHOLE | | SIGN |
| ○ | MANHOLE | ● | WETFLAG |
| GV ⋈ | GAS VALVE | | UTILITY POLE |
| | GAS SHUT OFF VALVE | ☼ | PROP. STREET LIGHTING |
| WV ⋈ | WATER VALVE | | |
| | WATER SHUT OFF VALVE | X 000.0 | SPOT ELEVATION |
| | FIRE HYDRANT | | RIPRAP |

| | |
|---|---|
| 000 | EXISTING CONTOUR |
| D | EXISTING DRAIN LINE |
| W | EXISTING WATER LINE |




## GRADING AND DRAINAGE NOTES

1. THE CONTRACTOR SHALL VERIFY EXISTING GRADES IN THE FIELD AND REPORT ANY DISCREPANCIES IMMEDIATELY TO THE PROJECT SURVEYOR AND ENGINEER.
2. ALL DRAINAGE PIPES TO BE 12" REINFORCED CONCRETE PIPE (RCP), UNLESS OTHERWISE NOTED. CLASS V RCP SHALL BE USED FOR ALL PIPES.
3. EXISTING PAVEMENT SHALL BE SAW CUT AND NEW PAVEMENT SHALL BE BLENDED SMOOTHLY TO MEET CUT EDGES.
4. FINAL GRADES SHALL BE PITCHED EVENLY BETWEEN SPOT ELEVATIONS AND ALL AREAS SHALL BE GRADED TO DRAIN WITH NO PUDDLING OR PONDING.
5. THE CONTRACTOR SHALL SCHEDULE THE WORK TO ALLOW THE FINISHED SUBGRADE ELEVATIONS TO DRAIN PROPERLY WITHOUT PUDDLING. SPECIFICALLY, ALLOW WATER TO ESCAPE WHERE PROPOSED CURBING MAY RETAIN RUNOFF PRIOR TO APPLICATION OF THE FINISH SUBGRADE AND/OR SURFACE PAVING. PROVIDE TEMPORARY POSITIVE DRAINAGE AS REQUIRED.
6. THE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE (2% MINIMUM) AWAY FROM ALL BUILDING FOUNDATIONS AND STRUCTURES.
7. GRADES IN ACCESSIBLE PARKING SPACES SHALL NOT EXCEED 2% IN ANY DIRECTION (PER 521 CMR 23.4.3).
8. GRADES IN ACCESSIBLE WALKWAYS SHALL NOT EXCEED 5% (PER 521 CMR 22.3) AND SHALL NOT HAVE A CROSS PITCH OF MORE THAN 2% (PER 521 CMR 22.3.1).
9. RIPRAP APRONS SHALL BE PROVIDED AT ALL FLARED ENDS AND HEADWALLS.
10. RETAINING WALLS OVER FOUR (4) FEET IN HEIGHT ARE TO BE DESIGNED BY OTHERS. THE CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE ENGINEERED STRUCTURAL DRAWINGS FOR RETAINING WALLS WHERE REQUIRED BY CODE, INCLUDING BUT NOT LIMITED TO THE STATE BUILDING CODE (780 CMR).
11. ALL DISTURBED AREAS SHALL BE LOAMED TO A SIX (6) INCH DEPTH AND SEEDED WITH SUITABLE GRASS SEED MIX UNLESS OTHERWISE SPECIFIED ON THE PLANS.
12. ROOF DRAINAGE OF THE RESIDENTIAL BUILDINGS SHALL BE DISCHARGED TO THE PROPOSED GRADE. A SPLASH PAD SHALL BE PROVIDED IN AREAS WHERE RUNOFF IS DIRECTLY DISCHARGED TO GRASS AREAS.

C:\GH-Sync\Guerriere & Halnon\Franklin - C3D\Projects\F4664\DWG\F4664-SITE.dwg, 2/28/2025 8:13:49 AM, [REC]

F4664

APPROVED DATE:
FRANKLIN ZONING BOARD

BEING A MAJORITY

### LEGAL NOTES

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENTS, MARKINGS AND OTHER OBSERVED EVIDENCE TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES AND SHOULD BE CONSIDERED APPROXIMATE. WORKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD DOCUMENTS OR OBSERVED PHYSICAL EVIDENCE, MAY EXIST. CONTRACTORS (IN ACCORDANCE WITH MASS.GL. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG-SAFE{7233}.

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

| OWNER | OWNER |
|---|---|
| FLORENCE T RISTAINO<br>PAUL R QUINN<br><br>202 WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 31923 PAGE 20<br>DEED BK 3568 PAGE 379<br>PLAN BK 71 PLAN 3448<br><br>**A.M. 304 LOT 44** | D'ANIELLO NOMINEE TRUST<br>ALBERT A D'ANIELLO, JR, TR<br>THERESA M D'ANIELLO, TR<br>2 TAFT DRIVE<br>FRANKLIN, MA 02038<br>PARCEL M<br>DEED BK 35729 PG 495<br>PL BK 365 PL No. 161B<br>CTF#: 197326<br>LOT 24 LCC 37023D<br>**A.M. 304 LOT 52** |
| OWNER | APPLICANT |
| FLORENCE T RISTAINO<br>MARGARET RISTAINO<br><br>OFF WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 12649 PAGE 586<br>PLAN BK 52 PLAN 2483<br><br>**A.M. 313 LOT 4** | NEW GENERATION<br>CUSTOM HOMES CORP<br>ATTN: MARCELO ALVES<br>40 ALPINE ROW<br>FRANKLIN,MA 02038 |

# LARISSA'S COURT
# SITE PLAN
# 202 WASHINGTON STREET
## A FRIENDLY 40B DEVELOPMENT
# FRANKLIN
# MASSACHUSETTS

## GRADING PLAN

## FEBRUARY 24, 2025

| DATE | REVISION DESCRIPTION |
|---|---|
| | |
| | |
| | |
| | |
| | |
| | |

GRAPHIC SCALE: 1"=40'

0 10 20 30 40 50 75 100 FEET
0 5 10 15 20 30 METERS


Guerriere & Halnon, Inc.
ENGINEERING & LAND SURVEYING
55 WEST CENTRAL ST. PH. (508) 528-3221
FRANKLIN, MA 02038 FX. (508) 528-7921
www.gandhengineering.com

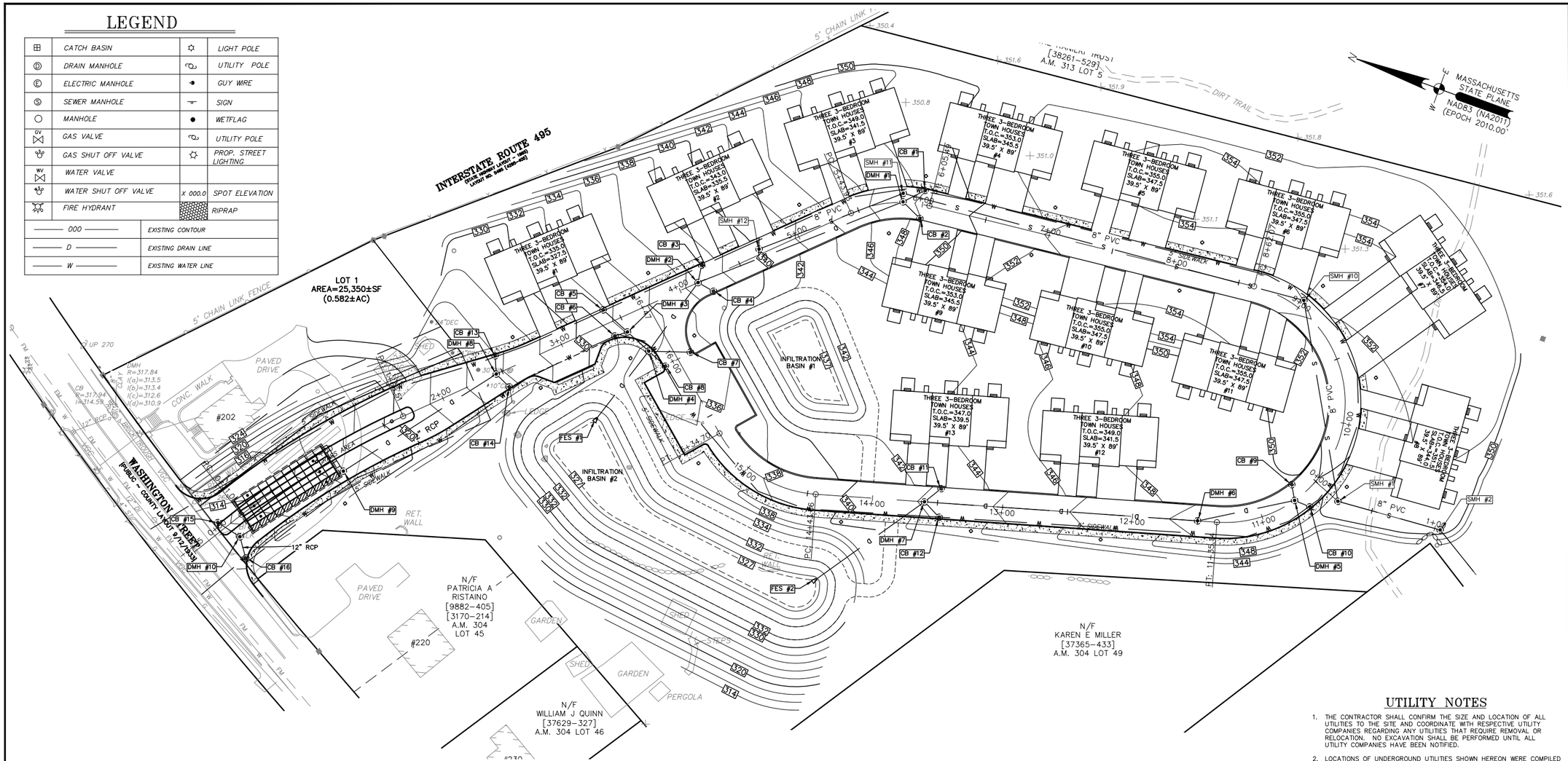

SHEET 7 OF 13

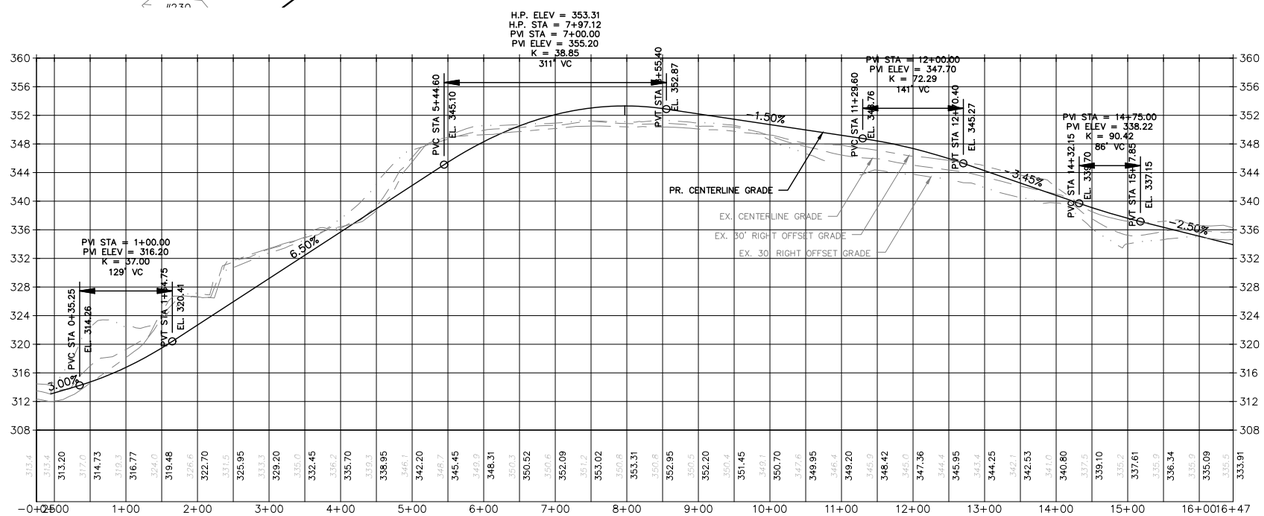
JOB NO. F4664

# LEGEND

| | | | |
|---|---|---|---|
| ⊞ | CATCH BASIN | ☼ | LIGHT POLE |
| Ⓓ | DRAIN MANHOLE | | UTILITY POLE |
| Ⓔ | ELECTRIC MANHOLE | | GUY WIRE |
| Ⓢ | SEWER MANHOLE | | SIGN |
| ○ | MANHOLE | ● | WETFLAG |
| GV | GAS VALVE | | UTILITY POLE |
| | GAS SHUT OFF VALVE | ☼ | PROP. STREET LIGHTING |
| WV | WATER VALVE | | |
| | WATER SHUT OFF VALVE | X 000.0 | SPOT ELEVATION |
| | FIRE HYDRANT | | RIPRAP |

| | |
|---|---|
| 000 | EXISTING CONTOUR |
| D | EXISTING DRAIN LINE |
| W | EXISTING WATER LINE |




SCALE:
1"=100' HORIZONTAL
1"=10' VERTICAL

ROAD CENTERLINE
-0+25 TO 16+47.36

## STORM DRAINAGE NOTES

1. ALL DRAINAGE PIPES TO BE 12" RCP UNLESS OTHERWISE NOTED. WHERE LESS THAN 3.5' OF COVER IS PROVIDED, CLASS V RCP SHALL BE USED.

SPECIAL CONSIDERATION FOR INLET CONTROLS FOR EROSION COLLECTION BEFORE ENTERING DRAINAGE SYSTEM:

A. INSTALL SILT SACKS.

B. BARRIER AROUND CATCH BASIN, COMPOST SOCK OR EQUAL

C. INSTALL FILTER FABRIC ON ALL DRAIN MANHOLE OUTLETS DISCHARGING TO INFILTRATION SYSTEM.

D. INSPECTIONS BEFORE AND AFTER STORM EVENTS ARE REQUIRED TO INSURE ADEQUACY OF EROSION CONTROL MEASURES.

E. CONTRACTOR & ARCHITECT ARE TO VERIFY SITE UTILITIES PRIOR TO DESIGN & CONSTRUCTION.

F. ALL PIPE GASKETS SHALL BE PRE-MOLDED NEOPRENE O-RING TYPE (300-11 B.(2)(A)).

## UTILITY NOTES

1. THE CONTRACTOR SHALL CONFIRM THE SIZE AND LOCATION OF ALL UTILITIES TO THE SITE AND COORDINATE WITH RESPECTIVE UTILITY COMPANIES REGARDING ANY UTILITIES THAT REQUIRE REMOVAL OR RELOCATION. NO EXCAVATION SHALL BE PERFORMED UNTIL ALL UTILITY COMPANIES HAVE BEEN NOTIFIED.
2. LOCATIONS OF UNDERGROUND UTILITIES SHOWN HEREON WERE COMPILED FROM AVAILABLE RECORD PLANS OF UTILITY COMPANIES AND ARE APPROXIMATE AND ASSUMED. THERE MAY BE ADDITIONAL UNDERGROUND UTILITIES THAT ARE NOT DEPICTED HEREON. NO WARRANTEE IS EXPRESSED OR IMPLIED AS TO THE ACCURACY OF SUBSURFACE UTILITY LOCATIONS OR DISPOSITION, UNLESS OTHERWISE NOTED ON THE PLAN.
3. CONTRACTOR SHALL CONFIRM DEPTH(S) OF PERTINENT UTILITIES BY TEST PIT AND NOTIFY OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES.
4. PROVIDE CRIBBING TO PROTECT UTILITY LINES DURING CONSTRUCTION AS NECESSARY.
5. THE CONTRACTOR SHALL PROTECT SUBSURFACE DRAINAGE, SEWER AND ALL OTHER UTILITIES FROM EXCESSIVE VEHICLE LOADS DURING CONSTRUCTION. FACILITIES DAMAGED DUE TO CONSTRUCTION LOADS SHALL BE RESTORED TO THE ORIGINAL CONDITION BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER OR UTILITY OWNER.
6. ALL GRAVITY SEWER PIPE SHALL BE SDR 35 PVC (ASTM D3034) WITH WATERTIGHT INTEGRAL BELL GASKETED JOINT (ASTM D3212) AND ELASTOMERIC GASKET (ASTM F477), UNLESS OTHERWISE NOTED.
7. ALL WATER MAIN PIPE AND FITTINGS SHALL BE CLDI CLASS 52 (AWWA C151, C110 & C104) WITH RUBBER GASKETED JOINTS (AWWA 111), UNLESS OTHERWISE NOTED. ALL WATER SERVICES TO BE PRESSURE RATED PE OR COPPER AS REQUIRED AND APPROVED BY DPW. PROVIDE FIVE (5) FEET MINIMUM COVER ON ALL WATER MAINS AND SERVICES.
8. WHERE 10' HORIZONTAL SEPARATION BETWEEN SEWER AND WATER MAINS CANNOT BE MAINTAINED, CROWN OF SEWER MAIN SHALL BE EIGHTEEN (18) INCHES BELOW BOTTOM OF WATER MAIN, IN ACCORDANCE WITH SECTION 9.7.2 OF MASSDEP "GUIDELINES AND POLICIES FOR PUBLIC WATER SYSTEMS" (AS DEFINED IN 310 CMR 22.02).
9. THE CONTRACTOR SHALL MAKE ALL ARRANGEMENTS FOR THE ALTERATION OF GAS, ELECTRIC, TELECOMMUNICATIONS AND ANY OTHER PRIVATE UTILITIES BY THE UTILITY COMPANIES AS REQUIRED. WHERE AN EXISTING UTILITY IS IN CONFLICT WITH THE PROPOSED WORK THE LOCATION, ELEVATION AND SIZE OF THE UTILITY SHALL BE ACCURATELY DETERMINED WITHOUT DELAY BY THE CONTRACTOR AND THE INFORMATION FURNISHED TO THE OWNER AND PROJECT ENGINEER FOR RESOLUTION.
10. PROPOSED GAS, ELECTRIC, TELECOMMUNICATIONS AND CABLE TV DEPICTED IS SCHEMATIC ONLY. CONTRACTOR SHALL COORDINATE WITH RESPECTIVE UTILITY COMPANY FOR FINAL PLANS AND SPECIFICATIONS.
11. ALL UTILITIES INCLUDING CONCRETE PADS ARE TO BE INSTALLED PER UTILITY COMPANY OR LOCAL DPW STANDARDS AS APPLICABLE.
12. ALL UTILITY COVERS, GRATES, HATCHES, ETC., SHALL BE FLUSH WITH THE PAVEMENT FINISHED GRADE.

F4664

APPROVED DATE:
FRANKLIN ZONING BOARD

BEING A MAJORITY

### LEGAL NOTES

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENTS, MARKINGS AND OTHER OBSERVED EVIDENCE TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES AND SHOULD BE CONSIDERED APPROXIMATE. WORKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD COMMENTS OR OBSERVED PHYSICAL EVIDENCE, MAY EXIST. CONTRACTORS (IN ACCORDANCE WITH MASSGIS CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG-SAFE{7233}.

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

| OWNER | OWNER |
|---|---|
| FLORENCE T RISTAINO<br>PAUL R QUINN<br><br>202 WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 31923 PAGE 20<br>DEED BK 3568 PAGE 379<br>PLAN BK 71 PLAN 3448<br><br>**A.M. 304 LOT 44** | D'ANIELLO NOMINEE TRUST<br>ALBERT A D'ANIELLO, JR, TR<br>THERESA M D'ANIELLO, TR<br>2 TAFT DRIVE<br>FRANKLIN, MA 02038<br>PARCEL M<br>DEED BK 35729 PG 495<br>PL BK 365 PL No. 161B<br>CTF#: 197326<br>LOT 24 LCC 37023D<br>**A.M. 304 LOT 52** |
| OWNER | APPLICANT |
| FLORENCE T RISTAINO<br>MARGARET RISTAINO<br><br>OFF WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 12649 PAGE 586<br>PLAN BK 52 PLAN 2483<br><br>**A.M. 313 LOT 4** | NEW GENERATION<br>CUSTOM HOMES CORP<br>ATTN: MARCELO ALVES<br>40 ALPINE ROW<br>FRANKLIN,MA 02038 |

# LARISSA'S COURT
# SITE PLAN
# 202 WASHINGTON STREET
## A FRIENDLY 40B DEVELOPMENT
# FRANKLIN
# MASSACHUSETTS

## UTILITY PLAN

FEBRUARY 24, 2025

| DATE | REVISION DESCRIPTION |
|---|---|
| | |

GRAPHIC SCALE: 1"=40'
0 10 20 30 40 50 75 100 FEET
0 5 10 15 20 30 METERS


Guerriere & Halnon, Inc.
ENGINEERING & LAND SURVEYING
55 WEST CENTRAL ST. PH. (508) 528-3221
FRANKLIN, MA 02038 FX. (508) 528-7921
www.gandhengineering.com

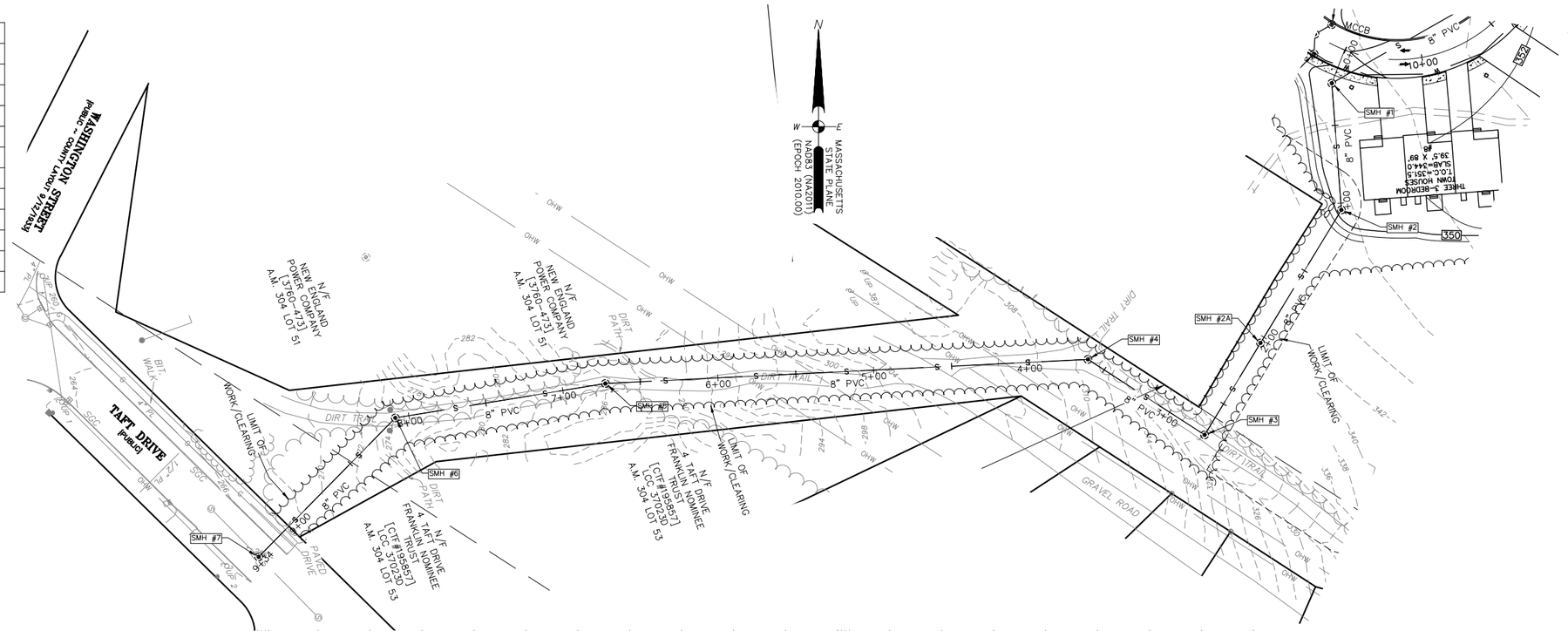

SHEET 8 OF 13 JOB NO. F4664

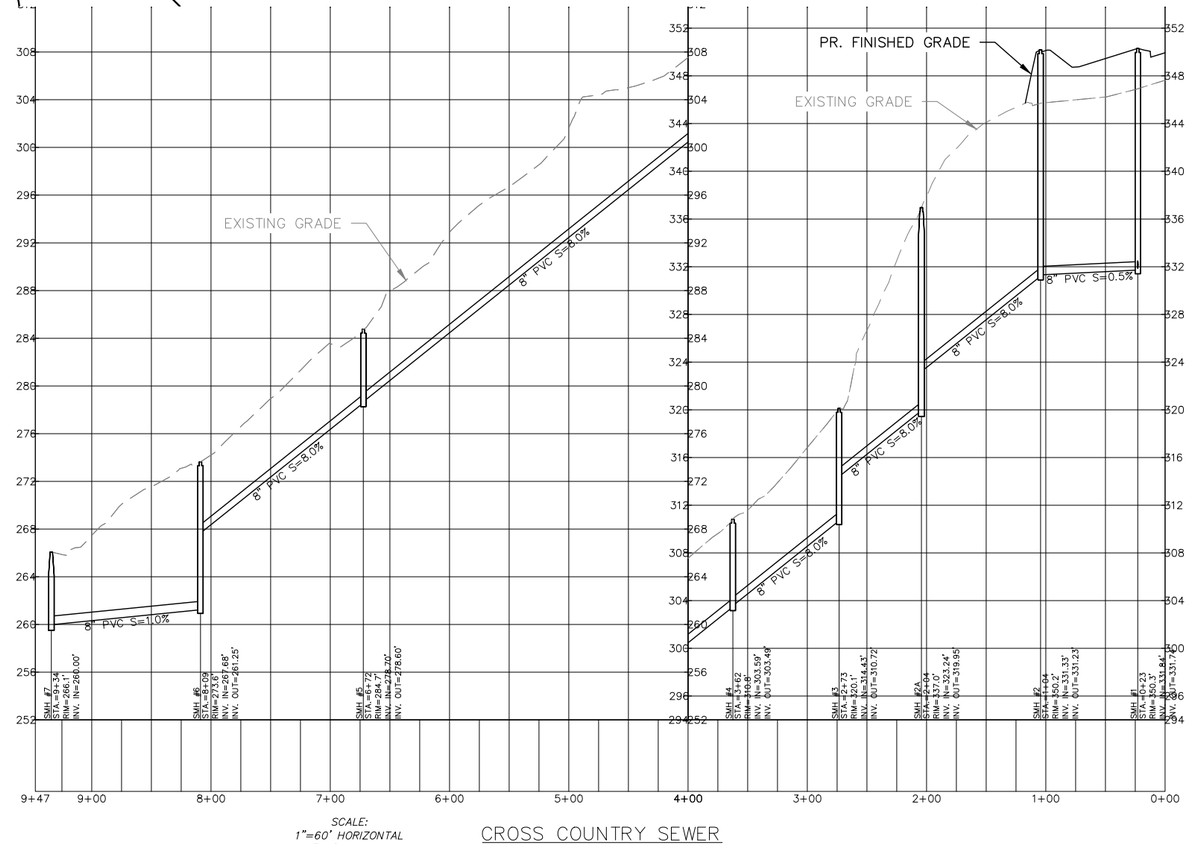
C:\GH-Sync\Guerriere & Halnon\Franklin - C3D\Projects\F4664\DWG\F4664-SITE.dwg, 2/28/2025 8:14:13 AM, [REC]

## LEGEND

| | | | |
|---|---|---|---|
| ⊞ | CATCH BASIN | ☼ | LIGHT POLE |
| Ⓓ | DRAIN MANHOLE | | UTILITY POLE |
| Ⓔ | ELECTRIC MANHOLE | | GUY WIRE |
| Ⓢ | SEWER MANHOLE | | SIGN |
| ○ | MANHOLE | ● | WETFLAG |
| GV | GAS VALVE | | UTILITY POLE |
| | GAS SHUT OFF VALVE | ☼ | PROP. STREET LIGHTING |
| WV | WATER VALVE | | |
| | WATER SHUT OFF VALVE | X 000.0 | SPOT ELEVATION |
| | FIRE HYDRANT | | RIPRAP |

| | |
|---|---|
| 000 | EXISTING CONTOUR |
| D | EXISTING DRAIN LINE |
| W | EXISTING WATER LINE |




SCALE:
1"=60' HORIZONTAL
1"=6' VERTICAL

CROSS COUNTRY SEWER
0+00 TO 9+47.31

F4664

APPROVED DATE:
FRANKLIN ZONING BOARD

BEING A MAJORITY

### LEGAL NOTES

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENTS, MARKINGS AND OTHER OBSERVED EVIDENCE TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES AND SHOULD BE CONSIDERED APPROXIMATE. BEFORE DIGGING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD DRAWINGS OR OBSERVED PHYSICAL EVIDENCE, MAY EXIST. CONTRACTORS (IN ACCORDANCE WITH MASS.G.L. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG-SAFE{7233}.

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

| OWNER | OWNER |
|---|---|
| FLORENCE T RISTAINO<br>PAUL R QUINN<br><br>202 WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 31923 PAGE 20<br>DEED BK 3568 PAGE 379<br>PLAN BK 71 PLAN 3448<br><br>**A.M. 304 LOT 44** | D'ANIELLO NOMINEE TRUST<br>ALBERT A D'ANIELLO, JR, TR<br>THERESA M D'ANIELLO, TR<br>2 TAFT DRIVE<br>FRANKLIN, MA 02038<br>PARCEL M<br>DEED BK 35729 PG 495<br>PL BK 365 PL No. 161B<br>CTF#: 197326<br>LOT 24 LCC 37023D<br>**A.M. 304 LOT 52** |
| OWNER | APPLICANT |
| FLORENCE T RISTAINO<br>MARGARET RISTAINO<br><br>OFF WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 12649 PAGE 586<br>PLAN BK 52 PLAN 2483<br><br>**A.M. 313 LOT 4** | NEW GENERATION<br>CUSTOM HOMES CORP<br>ATTN: MARCELO ALVES<br>40 ALPINE ROW<br>FRANKLIN,MA 02038 |

# LARISSA'S COURT
# SITE PLAN
# 202 WASHINGTON STREET
## A FRIENDLY 40B DEVELOPMENT
# FRANKLIN
# MASSACHUSETTS

## UTILITY PLAN

FEBRUARY 24, 2025

| DATE | REVISION DESCRIPTION |
|---|---|
| | |

GRAPHIC SCALE: 1"=40'

0 10 20 30 40 50 75 100 FEET
0 5 10 15 20 30 METERS


Guerriere & Halnon, Inc.
ENGINEERING & LAND SURVEYING
55 WEST CENTRAL ST. PH. (508) 528-3221
FRANKLIN, MA 02038 FX. (508) 528-7921
www.gandhengineering.com


SHEET 9 OF 13

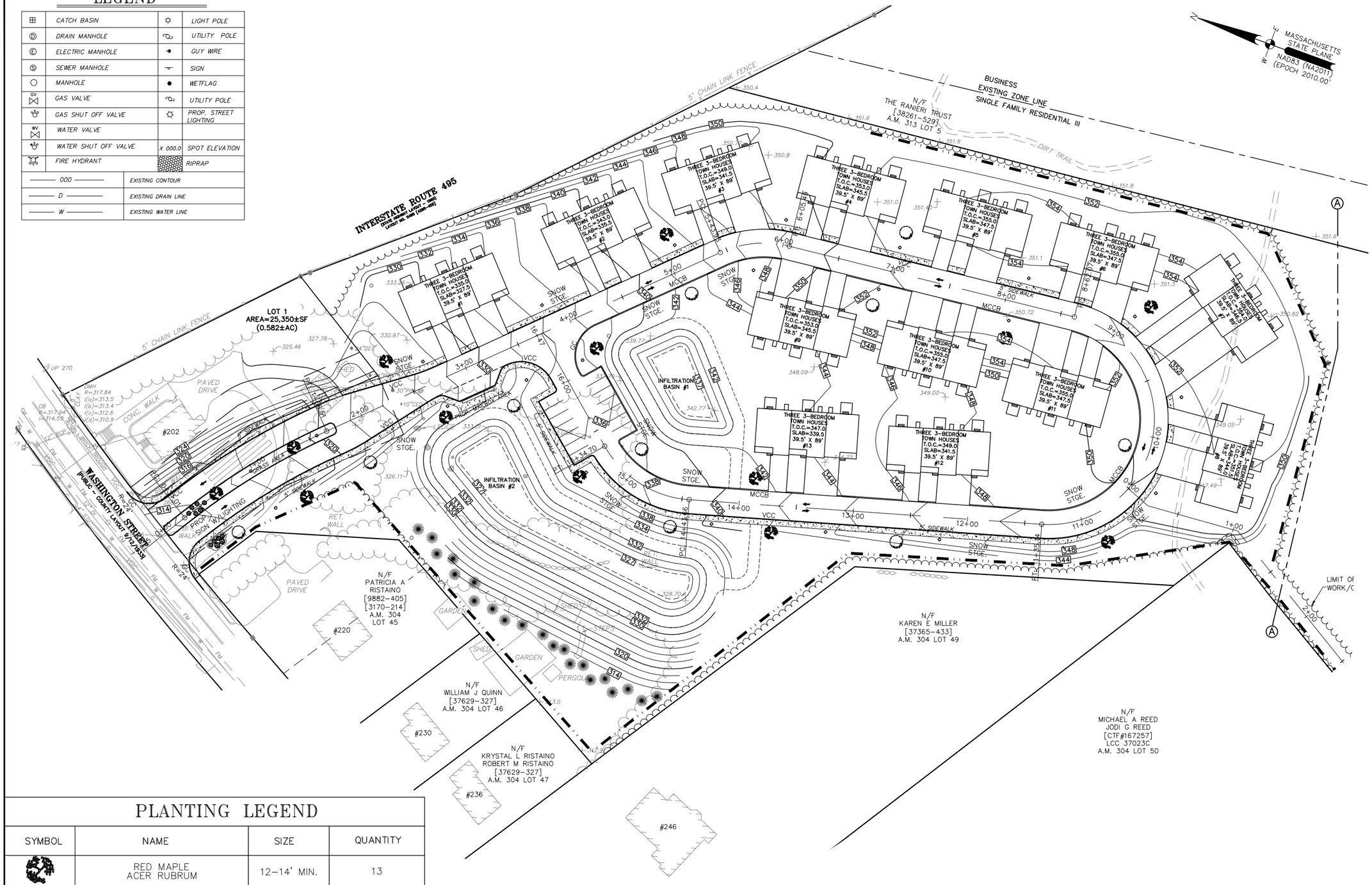
JOB NO. F4664

C:\GH-Sync\Guerriere & Halnon\Franklin - C3\Projects\F4664\DWG\F4664-SITE.dwg, 2/28/2025 8:14:43 AM, [REC]

## LEGEND

| | | | |
|---|---|---|---|
| ⊞ | CATCH BASIN | ☼ | LIGHT POLE |
| Ⓓ | DRAIN MANHOLE | | UTILITY POLE |
| Ⓔ | ELECTRIC MANHOLE | | GUY WIRE |
| Ⓢ | SEWER MANHOLE | | SIGN |
| ○ | MANHOLE | ● | WETFLAG |
| GV ⋈ | GAS VALVE | | UTILITY POLE |
| | GAS SHUT OFF VALVE | ☼ | PROP. STREET LIGHTING |
| WV ⋈ | WATER VALVE | | |
| | WATER SHUT OFF VALVE | X 000.0 | SPOT ELEVATION |
| | FIRE HYDRANT | | RIPRAP |

| | |
|---|---|
| 000 | EXISTING CONTOUR |
| D | EXISTING DRAIN LINE |
| W | EXISTING WATER LINE |




## PLANTING LEGEND

| SYMBOL | NAME | SIZE | QUANTITY |
|---|---|---|---|
| | RED MAPLE<br>ACER RUBRUM | 12–14' MIN. | 13 |
| | GREEN GIANT | 12' MIN. | 21 |
| | RED OAK<br>QUERCUS RUBRA | 12–14' MIN. | 10 |
| | ROSE–BAY RHODODENDRON<br>RHODODENDRON | 3 GAL. | 2 |
| | GLOBE ARBORVITAE<br>THUJA OCCIDENTALIS GLOBOSA | 3 GAL. | 10 |

## LANDSCAPING NOTES

1. THE CONTRACTOR SHALL VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
2. PLANT MATERIALS SHALL CONFORM TO THE GUIDELINES BY THE AMERICAN STANDARD FOR NURSERY STOCK PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
3. ALL PLANTING SHALL BE PLACED ACCORDING TO THE APPROVED LANDSCAPING PLAN.
4. AFTER PLANTING 4" OF MULCH SHALL BE PLACED WITHIN THE DESIGNATED AREAS.
5. ALL PLANT MATERIAL SHALL INCLUDE A 1 YEAR GUARANTEE.
6. THE CONTRACTOR/LANDSCAPER SHALL WATER NEWLY PLANTED MATERIAL FOR 90 DAYS.
7. DAMAGED VEGETATION WILL BE REMOVED AND REPLACED IF NECESSARY.

F4664

APPROVED DATE:

FRANKLIN ZONING BOARD

BEING A MAJORITY

### LEGAL NOTES

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENTS, MARKINGS AND OTHER OBSERVED EVIDENCE TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES AND SHOULD BE CONSIDERED APPROXIMATE. WORKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD OR COMMENTS OR OBSERVED PHYSICAL EVIDENCE, MAY EXIST. CONTRACTORS (IN ACCORDANCE WITH MASS.G.L. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG-SAFE{7233}.

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

| OWNER | OWNER |
|---|---|
| FLORENCE T RISTAINO<br>PAUL R QUINN<br><br>202 WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 31923 PAGE 20<br>DEED BK 3568 PAGE 379<br>PLAN BK 71 PLAN 3448<br><br>**A.M. 304 LOT 44** | D'ANIELLO NOMINEE TRUST<br>ALBERT A D'ANIELLO, JR, TR<br>THERESA M D'ANIELLO, TR<br>2 TAFT DRIVE<br>FRANKLIN, MA 02038<br>PARCEL M<br>DEED BK 35729 PG 495<br>PL BK 365 PL No. 161B<br>CTF#: 197326<br>LOT 24 LCC 37023D<br>**A.M. 304 LOT 52** |
| OWNER | APPLICANT |
| FLORENCE T RISTAINO<br>MARGARET RISTAINO<br><br>OFF WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 12649 PAGE 586<br>PLAN BK 52 PLAN 2483<br><br>**A.M. 313 LOT 4** | NEW GENERATION<br>CUSTOM HOMES CORP<br>ATTN: MARCELO ALVES<br>40 ALPINE ROW<br>FRANKLIN,MA 02038 |

# LARISSA'S COURT
# SITE PLAN
# 202 WASHINGTON STREET
## A FRIENDLY 40B DEVELOPMENT
# FRANKLIN
# MASSACHUSETTS

## LANDSCAPING PLAN

## FEBRUARY 24, 2025

| DATE | REVISION DESCRIPTION |
|---|---|
| | |

GRAPHIC SCALE: 1"=40'

0 10 20 30 40 50 75 100 FEET
0 5 10 15 20 30 METERS


Guerriere & Halnon, Inc.
ENGINEERING & LAND SURVEYING
55 WEST CENTRAL ST. PH. (508) 528-3221
FRANKLIN, MA 02038 FX. (508) 528-7921
www.gandhengineering.com


SHEET 10 OF 13

JOB NO. F4664

C:\GH-Sync\Guerriere & Halnon\Franklin - C3D\Projects\F4664\DWG\F4664-SITE.dwg, 2/28/2025 8:15:07 AM, [REC]

# TESTING INFORMATION

TESTING DATE: AUGUST 14, 2024 SOIL EVALUATOR: MICHAEL HASSETT

**TP 1**

| | | | |
|---|---|---|---|
| 326.68 | | | |
| | SANDY LOAM A | 4" | 10YR 3/2 |
| 326.35 | | | |
| | SANDY LOAM B | 4–12" | 10YR 5/4 |
| 325.68 | | | |
| | SANDY LOAM $C_1$ | 12–54" | |
| 322.18 | | | |
| | LOAMY SAND W/BOULDERS $C_2$ | 54–130" | 10YR 5/3 |
| 315.85 | | | |

NO MOTTLES
NO REFUSAL

**TP 2**

| | | | |
|---|---|---|---|
| 325.46 | | | |
| | SANDY LOAM A | 12" | |
| 324.46 | | | |
| | SANDY LOAM B | 12–22" | |
| 323.63 | | | |
| | SANDY LOAM $C_1$ | 22–90" | |
| 317.96 | | | |
| | LOAMY SAND $C_2$ | 90–143" | |
| 313.54 | | | |

MOTTLES @ 30"
NO REFUSAL

**TP 3**

| | | | |
|---|---|---|---|
| 327.78 | | | |
| | SANDY LOAM | 9" | |
| 327.03 | | | |
| | SANDY LOAM | 9–20" | |
| 326.11 | | | |
| | SANDY LOAM | 20–127" | |
| 317.20 | | | |

MOTTLES @ 24"
NO REFUSAL
POCKET OF SILT LOAM 20–60"

**TP 4**

| | | | |
|---|---|---|---|
| 330.97 | | | |
| | SANDY LOAM A | 7" | |
| 330.39 | | | |
| | SANDY LOAM B | 7–30" | |
| 328.47 | | | |
| | SILT LOAM $C_1$ | 30–90" | |
| 323.47 | | | |
| | LOAMY SAND $C_2$ | 90–136" | |
| 319.64 | | | |

MOTTLES @ 30"
NO REFUSAL

**TP 5**

| | | | |
|---|---|---|---|
| 333.26 | | | |
| | SANDY LOAM A | 8" | |
| 332.60 | | | |
| | SANDY LOAM B | 8–36" | |
| 330.26 | | | |
| | SANDY LOAM $C_1$ | 36–54" | |
| 328.76 | | | |
| | LOAMY SAND $C_2$ | 54–116" | |
| 323.59 | | | |
| | SANDY LOAM $C_3$ | 116–150" | |
| 320.76 | | | |

MOTTLES @ 36"
NO REFUSAL

**TP 6**

| | | | |
|---|---|---|---|
| 326.11 | | | |
| | SANDY LOAM A | 6" | |
| 325.61 | | | 10YR 3/2 |
| | SANDY LOAM B | 6–16" | |
| 324.78 | | | 10YR 5/5 |
| | LOAMY SAND COBBLES & BOULDERS C | 16–148" | |
| 313.78 | | | 10YR 5/3 |

NO MOTTLES
NO REFUSAL

**TP 7**

| | | | |
|---|---|---|---|
| 333.01 | | | |
| | SANDY LOAM A | 4" | |
| 332.68 | | | |
| | SANDY LOAM B | 4–34" | |
| 330.18 | | | |
| | SAND & GRAVEL DENSE PACKED C | 34–156" | |
| 320.01 | | | |

NO MOTTLES
NO REFUSAL

**TP 10**

| | | | |
|---|---|---|---|
| 328.70 | | | |
| | SANDY LOAM A | 4" | |
| 328.37 | | | |
| | SANDY LOAM B | 4–20" | |
| 327.03 | | | |
| | SANDY LOAM $C_1$ | 20–60" | 10 YR |
| 323.70 | | | |
| | LOAMY SAND $C_2$ | 60–136" | |
| 317.37 | | | |

MOTTLES @ 98"– FAINT
NO REFUSAL

**TP 11**

| | | | |
|---|---|---|---|
| 337.70 | | | |
| | SANDY LOAM A | 4" | |
| 337.37 | | | |
| | SANDY LOAM B | 4–30" | |
| 335.20 | | | |
| | SAND & GRAVEL C | 30–144" | |
| 325.70 | | | |

NO MOTTLES
NO REFUSAL

**TP 12**

| | | | |
|---|---|---|---|
| 342.77 | | | |
| | SANDY LOAM A | 6" | |
| 342.27 | | | |
| | SANDY LOAM B | 6–28" | |
| 340.44 | | | |
| | SAND & GRAVEL C | 28–140" | |
| 331.10 | | | |

NO MOTTLES
NO REFUSAL

**TP 13**

| | | | |
|---|---|---|---|
| 344.72 | | | |
| | SANDY LOAM A | 4" | |
| 344.39 | | | |
| | SANDY LOAM B | 4–18" | |
| 343.22 | | | |
| | SAND & GRAVEL C | 18–136" | |
| 333.39 | | | |

NO MOTTLES
NO REFUSAL

**TP 14**

| | | | |
|---|---|---|---|
| 339.77 | | | |
| | SANDY LOAM A | 6" | |
| 339.27 | | | |
| | SANDY LOAM B | 6–30" | |
| 337.27 | | | |
| | SAND & GRAVEL C | 30–146" | |
| 327.00 | | | |

NO MOTTLES
NO REFUSAL

**TP 15**

| | | | |
|---|---|---|---|
| 348.09 | | | |
| | SANDY LOAM A | 4" | |
| 347.76 | | | |
| | SANDY LOAM B | 4–30" | |
| 345.59 | | | |
| | SANDY LOAM C | 30–130" | |
| 337.26 | | | |

MOTTLES @ 40"
NO REFUSAL
NO WEEPING

**TP 16**

| | | | |
|---|---|---|---|
| 349.00 | | | |
| | SANDY LOAM A | 4" | |
| 348.67 | | | |
| | SANDY LOAM B | 4–28" | |
| 346.67 | | | |
| | SANDY LOAM C | 28–140" | |
| 337.33 | | | |

MOTTLES @ 34"
NO REFUSAL

**TP 17**

| | | | |
|---|---|---|---|
| 350.77 | | | |
| | SANDY LOAM A | 6" | |
| 350.27 | | | |
| | SANDY LOAM B | 6–26" | |
| 348.60 | | | |
| | SANDY LOAM C | 26–128" | |
| 340.10 | | | |

MOTTLES @ 34"

**TP 18**

| | | | |
|---|---|---|---|
| 351.40 | | | |
| | SANDY LOAM A | 4" | |
| 351.07 | | | |
| | SANDY LOAM B | 4–28" | |
| 349.07 | | | |
| | SANDY LOAM C | 28–136" | |
| 340.07 | | | |

MOTTLES @ 40"
NO REFUSAL

**TP 19**

| | | | |
|---|---|---|---|
| 350.72 | | | |
| | SANDY LOAM A | 4" | |
| 350.39 | | | |
| | SANDY LOAM B | 4–24" | |
| 348.72 | | | |
| | SANDY LOAM C | 24–130" | |
| 339.89 | | | |

MOTTLES @ 30"
NO REFUSAL

**TP 20**

| | | | |
|---|---|---|---|
| 347.49 | | | |
| | SANDY LOAM A | 4" | |
| 347.16 | | | |
| | SANDY LOAM B | 4–24" | |
| 345.49 | | | |
| | SANDY LOAM C | 24–138" | |
| 335.99 | | | |

NO MOTTLES
NO REFUSAL

**TP 21**

| | | | |
|---|---|---|---|
| 349.05 | | | |
| | SANDY LOAM A | 8" | |
| 348.39 | | | |
| | SANDY LOAM B | 8–34" | |
| 346.22 | | | |
| | SANDY LOAM C | 34–130" | |
| 338.22 | | | |

MOTTLES @ 40"
NO REFUSAL

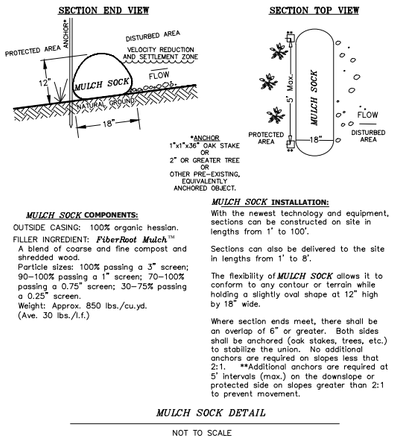
**TP 22**

| | | | |
|---|---|---|---|
| 350.82 | | | |
| | SANDY LOAM A | 6" | |
| 350.32 | | | |
| | SANDY LOAM B | 6–22" | |
| 348.99 | | | |
| | SANDY LOAM C | 22–136" | |
| 339.49 | | | |

ISOLATED MOTTLES @ 36"
NO REFUSAL

## INTERIM EROSION CONTROL AND CONSTRUCTION SEQUENCE

1. INSTALL EROSION CONTROL BARRIERS AND HAVE ENGINEER INSPECT AND PREPARE LETTER.
2. CLEAR SITE OF ALL TREES DESIGNATED TO BE REMOVED. CONSTRUCT A TEMPORARY BASIN TO COLLECT RUNOFF DURING CONSTRUCTION.
3. STOCKPILE LOAM, OR REMOVE LOAM.
4. INSTALL PIPES FOR DRAINAGE SYSTEMS. INSTALL DISCHARGE POINT ON EACH SYSTEM.
5. BRING SITE TO SUB–GRADE.
6. ALL SLOPES ALONG THE PROPERTY LINES SHALL BE MULCHED TEMPORARILY, IF DISTURBED.
7. TEMPORARY STONE (3/4" – 1 ½") SHALL BE PLACED AT THE PROJECT ENTRANCE WHEN ACCESSING EXISTING PAVEMENT. SWEEPING IS REQUIRED IF FINES ARE OBSERVED IN THE PARKING LOT OR PUBLIC WAYS.
8. ALL DISTURBED AREAS NOT TREATED WITH PERMANENT LOAM AND SEED SHALL BE COVERED WITH MULCH, OR OTHER EROSION CONTROL DEVISE.
9. ALL CONSTRUCTION GRADES IN THE INTERIM SHALL BE SLOPED TO FLOW INTO THE TEMPORARY BASIN, WHERE POSSIBLE.
10. THE SITE MITIGATION OF EROSION IN THOSE AREAS TO BE LANDSCAPED OR MULCHED SHALL BE TO INSTALL AS SOON AS POSSIBLE.
11. CLEAN ALL SEDIMENT OUT OF TEMPORARY BASIN AND INSTALL CLEAN FILL PER PLAN SPECIFICATIONS PRIOR TO FINAL GRADING AND SURFACE STABILIZATION.
12. THE SUBSURFACE DRAINAGE SYSTEM SHALL BE INSTALLED PRIOR TO PAVEMENT INSTALLATION PROPER FILTERFABRIC SHALL BE PLACED AT INLETS TO KEEP THE STORM DRAINAGE CLEAN OF DEBRIS.
13. ONCE THE CURB IS INSTALLED, THE PERMANENT MULCH AND LANDSCAPING SHALL BE INSTALLED.
14. SEDIMENT CONTROL SHALL REMAIN IN PLACE UNTIL THE SITE IS STABILIZED.
15. CLEAN ALL ON SITE CATCH BASINS, MANHOLES, PIPING, AND TEMPORARY BASIN. INSTALL SILT BAGS AT EACH CATCH BASIN.
16. KEEP SITE SWEPT AND MAINTAINED PER STORMWATER MANAGEMENT PLAN.




***MULCH SOCK* INSTALLATION:**

With the newest technology and equipment, sections can be constructed on site in lengths from 1' to 100'.

Sections can also be delivered to the site in lengths from 1' to 8'.

The flexibility of ***MULCH SOCK*** allows it to conform to any contour or terrain while holding a slightly oval shape at 12" high by 18" wide.

Where section ends meet, there shall be an overlap of 6" or greater. Both sides shall be anchored (oak stakes, trees, etc.) to stabilize the union. No additional anchors are required on slopes less that 2:1. **Additional anchors are required at 5' intervals (max.) on the downslope or protected side on slopes greater than 2:1 to prevent movement.

***MULCH SOCK* COMPONENTS:**

OUTSIDE CASING: 100% organic hessian.

FILLER INGREDIENT: ***FiberRoot Mulch***™
A blend of coarse and fine compost and shredded wood.
Particle sizes: 100% passing a 3" screen; 90–100% passing a 1" screen; 70–100% passing a 0.75" screen; 30–75% passing a 0.25" screen.
Weight: Approx. 850 lbs./cu.yd. (Ave. 30 lbs./l.f.)

***MULCH SOCK* DETAIL**

NOT TO SCALE

## GENERAL EROSION CONTROL AND CONSTRUCTION NOTES

1. THE LIMITS OF ALL CLEARING, GRADING AND DISTURBANCE SHALL BE KEPT TO A MINIMUM WITHIN THE PROPOSED AREA OF CONSTRUCTION. ALL AREAS OUTSIDE THE LIMITS OF DISTURBANCE SHALL REMAIN TOTALLY UNDISTURBED.
2. INSPECT ALL SEDIMENT AND EROSION CONTROL MEASURES AT LEAST ONCE PER WEEK AND WITHIN 24 HOURS AFTER EVERY RAINFALL EVENT.
3. MAINTAIN ALL EROSION AND SEDIMENT CONTROL MEASURES OR REPLACE AS REQUIRED TO ASSURE PROPER FUNCTION.
4. CONTRACTOR SHALL IMMEDIATELY REPAIR ANY AND ALL EROSION AND SEDIMENT CONTROLS FOUND TO BE FAULTY.
5. ANY AND ALL DEBRIS AND LITTER WHICH ACCUMULATES IN THE BASINS SHALL BE REMOVED WEEKLY.
6. THE CONTRACTOR SHALL IMPLEMENT ALL REASONABLE EROSION AND SEDIMENT CONTROLS PRIOR TO THE ACTUAL COMMENCEMENT OF CONSTRUCTION ACTIVITIES INCLUDING THE CLEARING AND/OR GRUBBING OF ANY PORTION OF THE PROPERTY. THESE MEASURES SHALL BE MAINTAINED IN EFFECT THROUGHOUT THE ENTIRE CONSTRUCTION PHASE, OR UNTIL THE SITE HAS BECOME STABILIZED WITH AN ADEQUATE VEGETATIVE COVER.
7. SEDIMENT BUILD UP BEHIND FILTERMITT SHALL BE MONITORED AND BE REMOVED WHENEVER IT HAS ACCUMULATED TO FOUR INCHES IN DEPTH.
8. CATCH BASINS SHALL BE PROTECTED WITH SILT FILTERS (SILT SACKS). INSPECT SEDIMENT FILTERS AT LEAST ONCE PER WEEK AND WITHIN 24 HOURS AFTER RAINFALL THAT PRODUCES RUNOFF.
9. CLEAN OR REPLACE FILTERS WITHIN 24 HOURS OF INSPECTION WHEN SEDIMENT REACHES ONE HALF OF THE FILTER SACK DEPTH. CATCH BASINS SHALL BE PROTECTED BY SEDIMENT FILTERS THROUGHOUT THE CONSTRUCTION PERIOD AND UNTIL ALL DISTURBED AREAS ARE THOROUGHLY STABILIZED. SUMPS SHALL BE CLEANED WHENEVER SEDIMENT HAS ACCUMULATED TO A DEPTH OF 24 INCHES AND IMMEDIATELY FOLLOWING INSTALLATION OF PERMANENT PAVEMENT.
10. THE CONTRACTOR SHALL MAINTAIN AN ADEQUATE STOCKPILE OF EROSION CONTROL MATERIALS ON–SITE AT ALL TIMES FOR EMERGENCY OR ROUTINE REPLACEMENT AND SHALL INCLUDE MATERIALS TO REPAIR OR REPLACE SILT FENCE, MULCH SOCK, STONE FILTER DIKES OR ANY OTHER DEVICES PLANNED FOR USE DURING CONSTRUCTION.
11. THE CONTRACTOR IS TO INSPECT ALL CONTROLS NO LESS THAN WEEKLY, AND IN ANTICIPATION OF RAINFALL EVENTS EXPECTED TO EXCEED 1/2 INCH IN DEPTH. ALL DEFICIENCIES NOTED DURING SAID INSPECTION SHALL BE REPAIRED IMMEDIATELY AND IN NO CASE SHALL A DEFICIENCY BE ALLOWED TO GO UNCORRECTED DURING A RAINFALL EVENT. THE EROSION CONTROL DEVICES SHALL BE MAINTAINED, REINFORCED, OR REPLACED IF NECESSARY. ALL ACCUMULATED SEDIMENTS AND OTHER MATERIALS COLLECTED
12. BY THE SEDIMENTATION CONTROL SYSTEMS SHALL BE REMOVED AS NECESSARY TO INSURE PROPER FUNCTION OF SYSTEMS AND DISPOSED OF IN A MANNER THAT IS CONSISTENT WITH THE INTENT OF THIS PLAN, IN AN UPLAND AREA.
13. TEMPORARY EARTH OR STONE DIKES, DRAINAGE SWALES AND/OR TEMPORARY SLOPE DRAINS SHALL BE INSTALLED WHERE OFF–SITE OR ON–SITE RUNOFF IS SUFFICIENT ENOUGH SUCH THAT IT WILL BE NECESSARY TO DIVERT THE FLOW AROUND THE SITE OR PREVENT EROSION WITHIN THE LIMITS OF WORK.
14. STORM DRAIN INLET PROTECTION SHALL BE USED FOR ALL EXISTING AND PROPOSED CATCH BASINS IN THE PROJECT AREA. PRIOR TO COMPLETION OF THE PROJECT, ALL CATCH BASINS WITHIN THE PROJECT AREA SHALL BE CLEANED.
15. ALL DISTURBED EARTH SLOPES AREA TO BE STABILIZED WITH PERMANENT VEGETATIVE COVER, TO BE ESTABLISHED AS SOON AS POSSIBLE. DISTURBED AREAS THAT ARE NOT SUBJECT TO CONSTRUCTION TRAFFIC SHALL RECEIVE A PERMANENT OR TEMPORARY VEGETATIVE COVER AS SOON AS FINAL CONTOURS ARE ESTABLISHED. TEMPORARY VEGETATIVE COVER IS TO BE ESTABLISHED ON ALL DISTURBED AREAS WHERE CONSTRUCTION ACTIVITIES WILL NOT REQUIRE ADDITIONAL DISTURBANCE FOR PERIOD OF 30 DAYS OR MORE. IF THE SEASON PREVENTS THE ESTABLISHMENT OF VEGETATIVE COVER, DISTURBED AREAS SHALL BE MULCHED AND THEN SEEDED AS SOON AS WEATHER CONDITIONS ALLOW.
16. THERE SHALL BE NO DIRECT DISCHARGE OF DEWATERING OPERATIONS INTO ANY DRAINAGE SYSTEM UNLESS THIS DISCHARGE IS CLEAN AND FREE OF SETTLEABLE SOLIDS. ANY DEWATERING DISCHARGE CONTAINING SETTLEABLE SOLIDS (SEDIMENTS) SHALL BE PASSED THROUGH A SEDIMENTATION CONTROL DEVICE(FILTER BAG) TO REMOVE THESE SOLIDS. THE CONTRACTOR IS TO MAINTAIN SAID SEDIMENT CONTROL DEVICE THROUGHOUT THE ENTIRE DEWATERING OPERATION AND REPAIR DEFICIENCIES IMMEDIATELY.
17. ALL PLANTINGS SHALL BE ACCOMPLISHED BY THE CONTRACTOR AS EARLY AS THE POSSIBLE UPON COMPLETION OF GRADING AND CONSTRUCTION.
18. ALL PLANTINGS SHALL BE WATERED AND MAINTAINED BY THE CONTRACTOR TO ENSURE SURVIVAL.

F4664

APPROVED DATE:

FRANKLIN ZONING BOARD

BEING A MAJORITY

LEGAL NOTES

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENTS, MARKINGS AND OTHER OBSERVED EVIDENCE TO GIVE A VIEW OF THE UNDERGROUND UTILITIES AND SHOULD BE CONSIDERED APPROXIMATE. PRIOR TO EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD DOCUMENTS OR OBSERVED PHYSICAL EVIDENCE MAY EXIST. CONTRACTORS (IN ACCORDANCE WITH MASS.G.L. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG–SAFE{7233}.

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS–OF–WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

| OWNER | OWNER |
|---|---|
| FLORENCE T RISTAINO<br>PAUL R QUINN<br><br>202 WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 31923 PAGE 20<br>DEED BK 3568 PAGE 379<br>PLAN BK 71 PLAN 3448<br><br>**A.M. 304 LOT 44** | D'ANIELLO NOMINEE TRUST<br>ALBERT A D'ANIELLO, JR, TR<br>THERESA M D'ANIELLO, TR<br>2 TAFT DRIVE<br>FRANKLIN, MA 02038<br>PARCEL M<br>DEED BK 35729 PG 495<br>PL BK 365 PL No. 161B<br>CTF#: 197326<br>LOT 24 LCC 37023D<br>**A.M. 304 LOT 52** |
| OWNER | APPLICANT |
| FLORENCE T RISTAINO<br>MARGARET RISTAINO<br><br>OFF WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 12649 PAGE 586<br>PLAN BK 52 PLAN 2483<br><br>**A.M. 313 LOT 4** | NEW GENERATION<br>CUSTOM HOMES CORP<br>ATTN: MARCELO ALVES<br>40 ALPINE ROW<br>FRANKLIN,MA 02038 |

# LARISSA'S COURT
# SITE PLAN
# 202 WASHINGTON STREET
## A FRIENDLY 40B DEVELOPMENT
# FRANKLIN
# MASSACHUSETTS

## CONSTRUCTION DETAILS

FEBRUARY 24, 2025

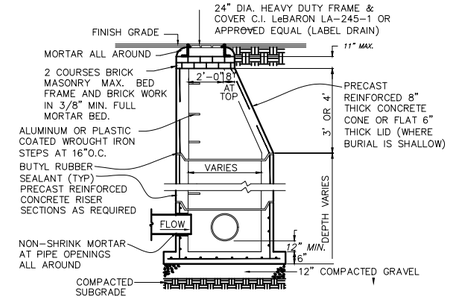
| DATE | REVISION DESCRIPTION |
|---|---|
| | |
| | |
| | |
| | |
| | |


Guerriere & Halnon, Inc.
ENGINEERING & LAND SURVEYING
55 WEST CENTRAL ST. PH. (508) 528–3221
FRANKLIN, MA 02038 FX. (508) 528–7921
www.gandhengineering.com


SHEET 11 OF 13

JOB NO. F4664

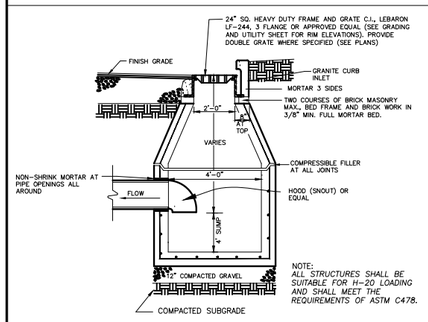
C:\GH-Sync\Guerriere & Halnon\Franklin - C3D\Projects\F4664\DWG\F4664-DETAIL.dwg, 2/20/2025 8:27:53 AM, [REC]




## TYP. PRECAST CONCRETE MANHOLE STORM DRAIN

N.T.S.

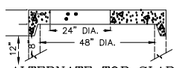
NOTE:
ALL STRUCTURES SHALL BE SUITABLE FOR H-20 LOADING AND SHALL MEET THE REQUIREMENTS OF A.S.T.M. C478.




NOTE:
*ALL STRUCTURES SHALL BE SUITABLE FOR H-20 LOADING AND SHALL MEET THE REQUIREMENTS OF ASTM C478.*

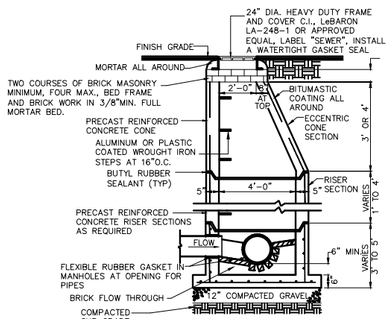
## TYP. PRECAST CONCRETE CATCH BASIN DETAIL

NOT TO SCALE




## ALTERNATE TOP SLAB

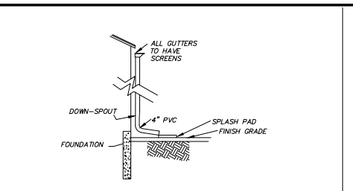
(STEEL REINFORCED FOR H-20 LOADING)




## TYP. PRECAST CONCRETE MANHOLE SANITARY

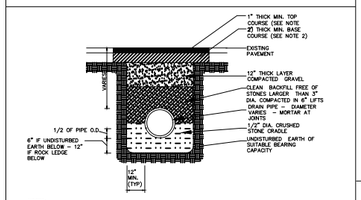
N.T.S.

NOTE:
ALL STRUCTURES SHALL BE SUITABLE FOR H-20 LOADING AND SHALL MEET THE REQUIREMENTS OF ASTM C478.




## ROOF DRAIN DETAIL

N.T.S.

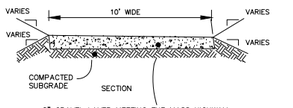



NOTES:

1. AT TIME OF CONSTRUCTION, THE TRENCH IS TO BE BACKFILLED, THEN TOPPED WITH A 12" THICK LAYER OF COMPACTED GRAVEL AND A 2" THICK TEMPORARY LAYER OF HOT TOP PATCH.
2. AFTER THE TRENCH HAS SETTLED THE ORIGINAL PAVEMENT IS TO BE SAW CUT ALONG THE TRENCH. PAVEMENT & TEMPORARY HOT TOP PATCH TO BE REMOVED, ADDITIONAL COMPACTED GRAVEL TO BE PLACED AS NEEDED, AND BITUMINOUS CONCRETE TO BE PLACED TO THE THICKNESS OF THE ORIGINAL PAVEMENT OR TO THE MINIMUM THICKNESS AS SPECIFIED ABOVE, WHICHEVER IS GREATER.

## TYPICAL TRENCH SECTION FOR REINFORCED CONCRETE PIPE

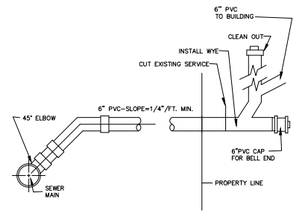
NOT TO SCALE




8" GRAVEL LAYER MEETING THE MASS HIGHWAY SPEC. M.1.03.0 TYPE B FOR GRAVEL.

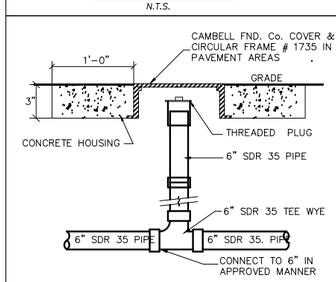
## 10 FOOT WIDE GRAVEL ACCESS ROAD

NOT TO SCALE



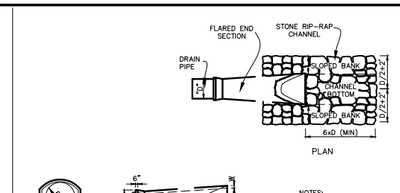

## TYPICAL PVC SEWER SERVICE CONNCETION

N.T.S.




## SEWER CLEANOUT DETAIL

NOT TO SCALE




NOTES:

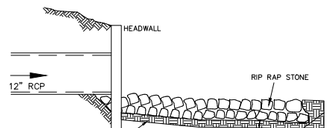
1. FILTER MATERIAL BENEATH RIP-RAP UNLESS BANK IS OF GRAVEL & COURSE SAND MIX. (5" MIN. THICKNESS).
2. MIN. STONE WEIGHT = 50LBS. MAX. STONE WEIGHT = 125LBS.
3. 75% OF TOTAL STONE VOLUME TO BE MIN. 75LBS. STONE.
4. SEE M.D.P.W. STANDARDS M2.02.3.
5. MIN. DEPTH OF RIP RAP TO BE 18".

FLARED END SECTION DIMENSION SCHEDULE

| DIA. | W | A | B | C | D | E | BD | K | L | P | DIA+1" | R1 | R2 | S | O | SLOPE |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 12" | 2" | 4" | 2'-0" | 4'-7/8" | 6'-1-3/8" | 2'-0" | 20" | 4'-6-1/8" | 6'-6-1/8" | 19-13/14" | 13" | 10-1/8" | 9" | 4" | 2.5" | 3:1 |

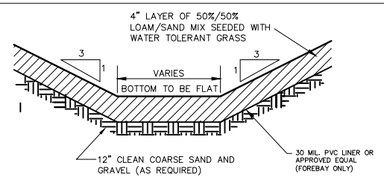
## FLARED END SECTION

NOT TO SCALE



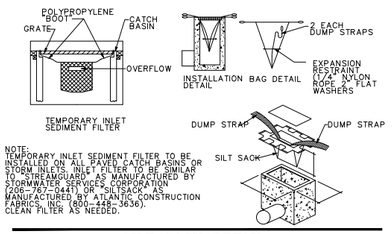

## OUTFALL W/ RIPRAP APPRON

NOT TO SCALE




## CROSS SECTION SEDIMENT FOREBAY & INFILTRATION POND BOTTOM

NOT TO SCALE

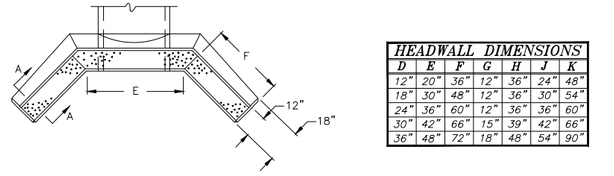



NOTE:
TEMPORARY INLET SEDIMENT FILTER TO BE INSTALLED ON ALL PAVED CATCH BASINS OR STORM INLETS. INLET FILTER TO BE SIMILAR TO "STREAMGUARD" AS MANUFACTURED BY STORMWATER SERVICES CORPORATION (206-767-0447) OR "SILTSACK" AS MANUFACTURED BY ATLANTIC CONSTRUCTION FABRICS, INC. (800-448-3636). CLEAN FILTER AS NEEDED.

## SILT SACK DETAIL

NO SCALE

D-SESC- silt sack




| HEADWALL DIMENSIONS | | | | | | |
|---|---|---|---|---|---|---|
| D | E | F | G | H | J | K |
| 12" | 20" | 36" | 12" | 36" | 24" | 48" |
| 18" | 30" | 48" | 12" | 36" | 30" | 54" |
| 24" | 36" | 60" | 12" | 36" | 36" | 60" |
| 30" | 42" | 66" | 15" | 39" | 42" | 66" |
| 36" | 48" | 72" | 18" | 48" | 54" | 90" |

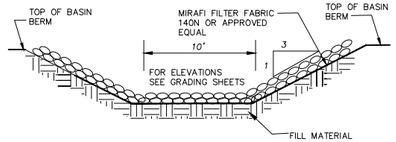
*"A-A" SECTION*

*"B-B" SECTION*

## TYP. CONCRETE HEADWALL DETAIL

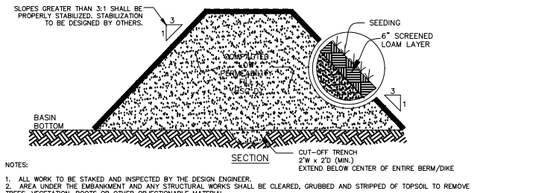
N.T.S.

*NOTE: DEBRIS GRATE REQUIRED ON ALL PIPES*

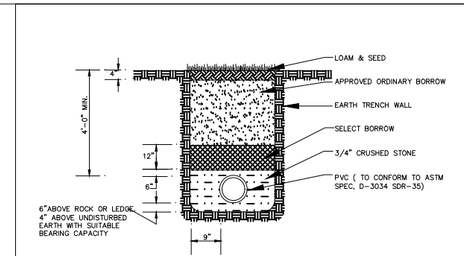



NOTES:
1. INSTALL FILTER MATERIAL BENEATH RIP RAP.
2. RIP RAP SHALL BE PER MHD SPEC M2.02.3 MINIMUM WEIGHT OF STONE = 50 LBS.; MAXIMUM WEIGHT = 125 LBS.
3. MINIMUM DEPTH OF RIP-RAP TO BE 12".
4. FILL MATERIAL SHALL BE AS NOTED IN EARTH BERM DETAIL.

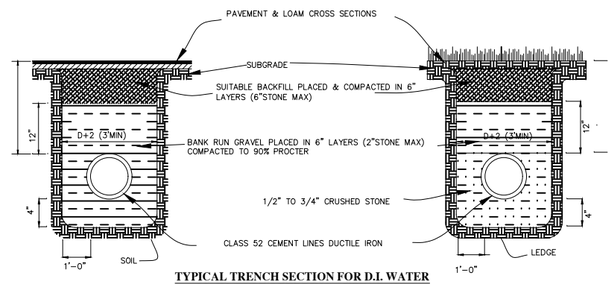
## RIP-RAP SPILLWAY DETAIL




NOTES:
1. ALL WORK TO BE STAKED AND INSPECTED BY THE DESIGN ENGINEER.
2. AREA UNDER THE EMBANKMENT AND ANY STRUCTURAL WORKS SHALL BE CLEARED, GRUBBED AND STRIPPED OF TOPSOIL TO REMOVE TREES, VEGETATION, ROOTS OR OTHER OBJECTIONABLE MATERIAL.
3. COMPACTED LOW PERMEABILITY FILL MATERIAL SHALL BE WELL GRADED, SILTY LOAM OR SILTY/SANDY CLAY, CONSISTENT WITH HYDROLOGIC SOIL GROUP D AND SHALL BE FREE OF STONES GREATER THAN 6" IN DIAMETER, ORGANIC MATTER, CONSTRUCTION DEBRIS, SNOW OR FROZEN SOIL. MATERIALS SHALL BE PLACED IN LAYERS NOT EXCEEDING 8" IN THICKNESS, AND SHALL BE COMPACTED.
4. S.C.S. APPROVED SEED MIX TO BE SPREAD AS SOON AS IS PRACTICAL TO MINIMIZE EROSION.




## TYPICAL P.V.C. TRENCH SECTION




## TYPICAL TRENCH SECTION FOR D.I. WATER MAIN (TYPE 5 BEDDING AWWAC-600)

F4664

APPROVED DATE:

FRANKLIN ZONING BOARD

BEING A MAJORITY

### LEGAL NOTES

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENTS, MARKINGS AND OTHER OBSERVED EVIDENCE TO GIVE A VIEW OF THE UNDERGROUND UTILITIES AND SHOULD BE CONSIDERED APPROXIMATE. BEFORE DIGGING, EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD DRAWINGS OR OBSERVED PHYSICAL EVIDENCE MAY EXIST. CONTRACTORS (IN ACCORDANCE WITH MASS.G.L. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG-SAFE(7233).

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

| OWNER | OWNER |
|---|---|
| FLORENCE T RISTAINO<br>PAUL R QUINN<br><br>202 WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 31923 PAGE 20<br>DEED BK 3568 PAGE 379<br>PLAN BK 71 PLAN 3448<br><br>**A.M. 304 LOT 44** | D'ANIELLO NOMINEE TRUST<br>ALBERT A D'ANIELLO, JR, TR<br>THERESA M D'ANIELLO, TR<br>2 TAFT DRIVE<br>FRANKLIN, MA 02038<br>PARCEL M<br><br>DEED BK 35729 PG 495<br>PL BK 365 PL No. 161B<br>CTF#: 197326<br>LOT 24 LCC 37023D<br><br>**A.M. 304 LOT 52** |
| OWNER | APPLICANT |
| FLORENCE T RISTAINO<br>MARGARET RISTAINO<br><br>OFF WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 12649 PAGE 586<br>PLAN BK 52 PLAN 2483<br><br>**A.M. 313 LOT 4** | NEW GENERATION<br>CUSTOM HOMES CORP<br>ATTN: MARCELO ALVES<br>40 ALPINE ROW<br>FRANKLIN,MA 02038 |

# LARISSA'S COURT
# SITE PLAN
# 202 WASHINGTON STREET
## A FRIENDLY 40B DEVELOPMENT
## FRANKLIN
## MASSACHUSETTS

## CONSTRUCTION DETAILS

FEBRUARY 24, 2025

| DATE | REVISION DESCRIPTION |
|---|---|
| | |
| | |
| | |
| | |
| | |


Guerriere & Halnon, Inc.
ENGINEERING & LAND SURVEYING
55 WEST CENTRAL ST. PH. (508) 528-3221
FRANKLIN, MA 02038 FX. (508) 528-7921
www.gandhengineering.com


SHEET 12 OF 13

JOB NO. F4664

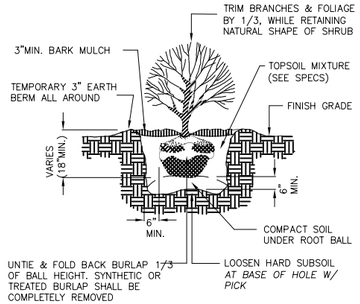
C:\GH-Sync\Guerriere & Halnon\Franklin - C3D\Projects\F4664\DWG\F4664-DETAIL.dwg, 2/26/2025 8:28:10 AM, [REC]




| PLANTING LEGEND EACH BUILDING | | | |
|---|---|---|---|
| SYMBOL | NAME | SIZE | QUANTITY |
| | DIXIELAND MAIDEN GRASS<br>MISCATHUS SINENSIS DIXIELAND | 3 GAL. | 10 |
| | EARLY AZALEA<br>R.ROSEUM | 3 GAL. | 6 |
| ✱ | CREEPING JUNIPER<br>JUNIPERUS HORIZONTALIS | 3 GAL. | 12 |
| ✻ | DAYLILY<br>HEMERCALLIS STELLA–D'ORO | 5' MIN. | 9 |

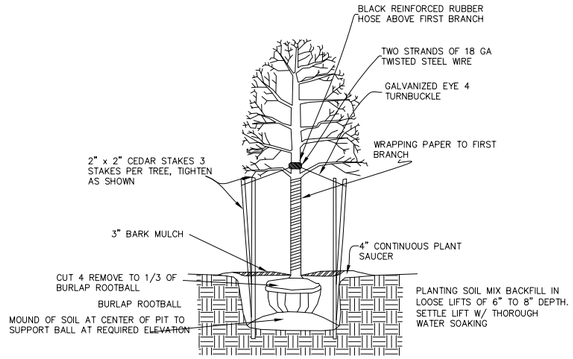
## TYPICAL BUILDING LANDSCAPING

NOT TO SCALE



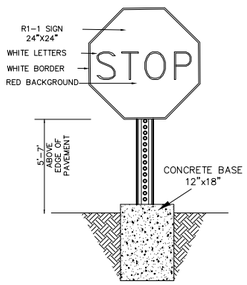

## SHRUB PLANTING DETAIL

*N.T.S.*

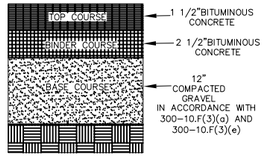



## TREE DETAIL

*N.T.S.*

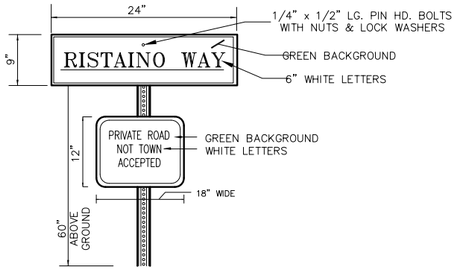



## STOP SIGN DETAIL



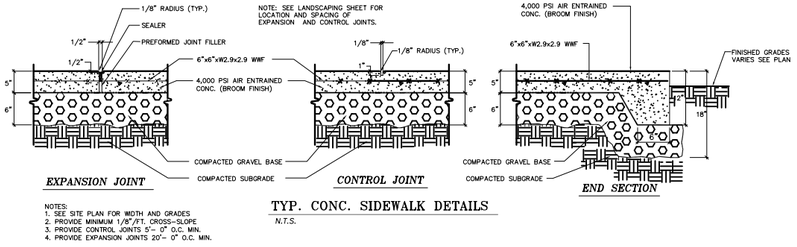

**TYPICAL PAVEMENT SECTION**

NOT TO SCALE




## STREET SIGN DETAIL

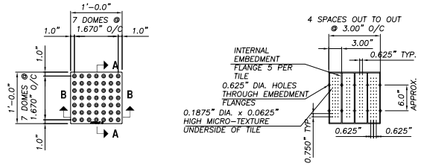
NOT TO SCALE



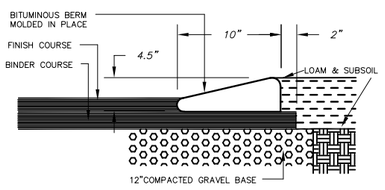

NOTES:
1. SEE SITE PLAN FOR WIDTH AND GRADES
2. PROVIDE MINIMUM 1/8"/FT. CROSS–SLOPE
3. PROVIDE CONTROL JOINTS 5'– 0" O.C. MIN.
4. PROVIDE EXPANSION JOINTS 20'– 0" O.C. MIN.

## TYP. CONC. SIDEWALK DETAILS

*N.T.S.*

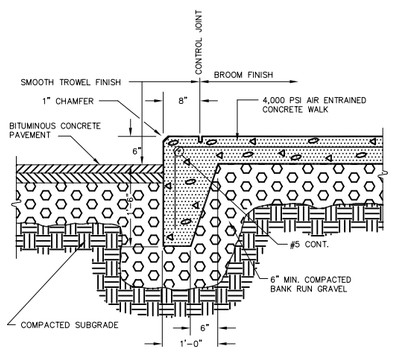



## DETECTABLE WARNING SURFACE




## MODIFIED BITUMINOUS CAPE COD BERM DETAIL

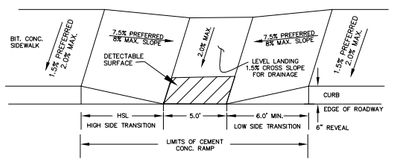
N.T.S.




## TYP.CONCRETE WALK–CURB DETAIL

N.T.S.

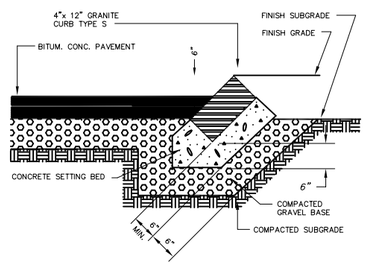
NOTE: PROVIDE CONTROL JOINT & EXPANSION AS REQUIRED FOR CONCRETE WALK.




## CEMENT CONCRETE WHEELCHAIR RAMP

*N.T.S.*

| CURB TRANSITION LENGTHS | |
|---|---|
| *ROADWAY PROFILE GRADE* | *HIGH SIDE TRANSITION LENGTH (HSL)* |
| =0% | 6'–6" |
| >0%–1% | 7'–6" |
| >1%–2% | 9'–0" |
| >2%–3% | 11'–0" |
| >3%–4% | 14'–0" |
| >4%–5% | 15'–0" MAX. |




## TYP. SLOPED GRANITE ENTRANCE DETAIL

*N.T.S.*

F4664

APPROVED DATE:

FRANKLIN ZONING BOARD

BEING A MAJORITY

### LEGAL NOTES

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENTS, MARKINGS AND OTHER OBSERVED EVIDENCE TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES AND SHOULD BE CONSIDERED APPROXIMATE. PRIOR TO EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD DOCUMENTS OR OBSERVED PHYSICAL EVIDENCE MAY EXIST. CONTRACTORS (IN ACCORDANCE WITH MASS.G.L. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG–SAFE(7233).

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS–OF–WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

| OWNER | OWNER |
|---|---|
| FLORENCE T RISTAINO<br>PAUL R QUINN<br><br>202 WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 31923 PAGE 20<br>DEED BK 3568 PAGE 379<br>PLAN BK 71 PLAN 3448<br><br>**A.M. 304 LOT 44** | D'ANIELLO NOMINEE TRUST<br>ALBERT A D'ANIELLO, JR, TR<br>THERESA M D'ANIELLO, TR<br>2 TAFT DRIVE<br>FRANKLIN, MA 02038<br>PARCEL M<br>DEED BK 35729 PG 495<br>PL BK 365 PL No. 161B<br>CTF#: 197326<br>LOT 24 LCC 37023D<br>**A.M. 304 LOT 52** |
| OWNER | APPLICANT |
| FLORENCE T RISTAINO<br>MARGARET RISTAINO<br><br>OFF WASHINGTON STREET<br>FRANKLIN, MA 02038<br><br>DEED BK 12649 PAGE 586<br>PLAN BK 52 PLAN 2483<br><br>**A.M. 313 LOT 4** | NEW GENERATION<br>CUSTOM HOMES CORP<br>ATTN: MARCELO ALVES<br>40 ALPINE ROW<br>FRANKLIN,MA 02038 |

# LARISSA'S COURT
# SITE PLAN
# 202 WASHINGTON STREET
## A FRIENDLY 40B DEVELOPMENT
# FRANKLIN
# MASSACHUSETTS

## CONSTRUCTION DETAILS

FEBRUARY 24, 2025

| DATE | REVISION DESCRIPTION |
|---|---|
| | |
| | |
| | |
| | |
| | |
| | |

Guerriere & Halnon, Inc.
ENGINEERING & LAND SURVEYING
55 WEST CENTRAL ST. PH. (508) 528–3221
FRANKLIN, MA 02038 FX. (508) 528–7921
www.gandhengineering.com

SHEET 13 OF 13

JOB NO. F4664

**Planning Board**
Gregory Rondeau, *Chair*
Beth A. Wierling, *Vice Chair*
Jennifer Williams, *Clerk*

**TOWN of FRANKLIN**
MASSACHUSETTS

355 E. Central St.
Franklin, MA 02038
P. 508.520.4907
www.franklinma.gov

April 9, 2025

Zoning Board of Appeal
355 East Central Street
Franklin, MA 02038
Attn: Bruce Hunchard, Chair

Town Council
355 East Central Street
Franklin, MA 02038
Attn: Tom Mercer, Chair

**RE: 202 Washington Street – LIP Friendly CH40B Development**

Please accept, on behalf of the Franklin Planning Board, the following letter, outlining the Board's recommendations pertaining to the proposed friendly 40B development at 202 Washington Street. This letter sets forth the Planning Board's recommendations related to the Board's review of the project, pursuant to the Town's recently adopted guidelines for reviewing Friendly 40B projects – Local Initiative Program.

The Planning Board voted 5-0 to recommend the friendly 40B project with the following changes to the plans:

- Preserve as many trees as possible
- Move the infiltration basin away from abutting properties
- Enhance landscaping
- Vertical granite curbing throughout the site
- Reduce the amount of units
- Add more visitor parking, especially on the northeast of the site
- Consider offering additional affordable units.

The Planning Board has also included a letter attached from the Applicant's engineer providing answers to the Planning Board's recommendations.

The Planning Board's recommendations are based on (1) the Board's review of the Friendly 40B application submitted on March 3, 2025, and (2) presentations made by the applicant to the Planning Board on March 24, 2025 and April 7, 2025.

The Planning Board looks forward to working with the applicant, as well as the Town Council and other Boards reviewing this project in working together, to create a project that is reflective of a Friendly 40B project. Please feel free to the contact the Planning Board with any questions or comments.

Thank you for providing the Planning Board an opportunity to provide feedback

Gregory Rondeau, Chairman
Franklin Planning Board

CC: Jamie Hellen, Town Administrator
Bryan Taberner, Director of Planning and Community Development
Gus Brown, Building Commissioner

Guerriere & Halnon, Inc.
ENGINEERING & LAND SURVEYING
www.gandhengineering.com
*Est. 1972*

**Milford Office**
333 West Street, P. O. Box 235
Milford, MA 01757-0235
(508) 473-6630/Fax (508) 473-8243

**Franklin Office**
55 West Central Street
Franklin, MA 02038-2101
(508) 528-3221/Fax (508) 528-7921

**Whitinsville Office**
1029 Providence Road
Whitinsville, MA 01588-2121
(508) 234-6834/Fax (508) 234-6723

F4664

April 7, 2025
Franklin Planning Board
355 East Central Street
Franklin, MA 02038
Attn: Amy Love, Town Planner

RE: ***202 Washington Street Friendly 40B Application***

Dear Members of the Board:

On behalf of our client, New Generation Custom Homes Corp., Guerriere & Halnon, Inc. has prepared the following information to address comments and recommendations received at the March 24, 2025 Planning Board Meeting. The following is a summary of comments received at the previous meeting, and a brief narrative addressing each recommendation:

- When a design includes a sidewalk, Vertical Granite Curbing or Vertical Concrete Curbing is typically required
  - **The applicant does not object to this requirement, and will include either VGC or VCC in the full application to the ZBA. With the elimination of cape cod berm from the design, the curbing waiver request will no longer be required.**
- The Board requested visitor spacing be dispersed throughout the development, instead of clustered in a single location
  - **The applicant does not object to this request, and will revise the plans to disperse visitor parking in several smaller parking areas throughout the development in the full application to the ZBA.**
- The Board requested care be taken to preserve as many existing trees as possible
  - **The applicant will review the site layout and design to determine areas where additional trees may be preserved. In addition, disturbed slopes will be replanted with a conservation seed mix to encourage these areas to return to a natural vegetated state.**
- The Board requested enhanced landscaping and screening of abutting properties
  - **The applicant does not object to this request, and is committed to providing robust screening as requested.**
- The Board requested the applicant consider offering additional affordable units, a reduction in total units, and variation in the number of bedrooms provided per dwelling
  - **The applicant will carefully consider these requests, and make adjustments to the number and configuration of the proposed housing units where possible.**

- The Board requested the applicant replace the boulevard entrance with a conventional undivided two lane road.
    - **The applicant does not object to this request, and will work with the DPW, Fire Department, and any other interested town parties prior to filing the full application with the ZBA to determine if the boulevard can be eliminated from the design without impacting town interests.**
- The Board requested the infiltration basin be moved further away from abutting properties if possible.
    - **The applicant will review the stormwater design and make adjustments to the infiltration basin where possible during the preparation of the full application to the ZBA.**
- The Board requested the subsurface stormwater chambers be relocated outside the paved areas of the site entrance if possible.
    - **The applicant will review the stormwater design and make adjustments to the subsurface stormwater chambers where possible during the preparation of the full application to the ZBA.**

After the Board completes its non-binding review of this project, the applicant will present the project to the Franklin Town Council to outline the projects public benefits and gather feedback from Town Council members. The applicant will then incorporate the comments received during the Planning Board and Town Council meetings into the full application to the Zoning Board of Appeals. This approach will best avoid duplication of efforts and allow for all town recommendations and requests to be implemented into the final plan set presented to the ZBA.

We believe these responses have addressed the concerns and recommendations expressed by the Planning Board at the March 24 meeting. Should you have any further questions or concerns, please contact our office.

Sincerely,
**Guerriere & Halnon, Inc.**

Michael Hassett

Michael Hassett
Project Manager

# TOWN OF FRANKLIN
# RESOLUTION 25-49

## FRANKLIN TOWN COUNCIL SUPPORT FOR PROPOSED GL CHAPTER 40B AFFORDABLE HOUSING PROJECT AT 202 WASHINGTON STREET PURSUANT TO EOHLC'S LOCAL INITIATIVE PROGRAM (LIP): FRIENDLY 40B

---

**WHEREAS,** GL Chapter 40B Sections 20-23 provide a legal framework for the creation of local affordable housing which is administered by the Massachusetts Executive Office of Housing and Liveable Communities (EOHLC) and EOHLC has enacted a regulation creating the Local Initiative Program (LIP) which allows a Chapter 40B developer to work collaboratively with a municipality to obtain its support for a proposed affordable housing project; and

**WHEREAS,** EOHLC's LIP regulation provides that a municipality demonstrate its support through its Chief Executive Officer's signing a letter of support, and Franklin's Home Rule Charter provides that the municipality's Chief Executive Officer is the Town Administrator; and

**WHEREAS,** The Franklin Town Administrator has created a voluntary process and checklist for a developer who proposes a Chapter 40B LIP affordable housing project to follow, which includes informal reviews by Town staff, the Planning Board and Conservation Commission, and a presentation to the Franklin Town Council; and

**WHEREAS,** New Generation Custom Homes has proposed to develop a Chapter 40B affordable housing project on approximately fourteen acres of land located at 202 Washington Street consisting of up to thirty-nine home ownership (39) units; and

**WHEREAS,** New Generation Custom Homes has submitted an application to Town pursuant to the above-described voluntary LIP approval process and participated in above-referenced reviews and made a presentation to the Franklin Town Council at a duly posted public meeting thereof.

**NOW THEREFORE** the Franklin Town Council, acting on behalf of the Town of Franklin, hereby expresses its support for New Generation Custom Homes' proposed affordable housing project of up to thirty-nine home ownership (39) units to be developed on approximately fourteen acres located at 202 Washington Street and directs the Town Administrator to prepare and sign a letter of support to EOHLC for the proposed project and to sign any EOHLC Applications and/or other forms and to take any other action which EOHLC requires to demonstrate Town's support for the project.

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

---

**DATED: _____ , 2025**

**VOTED: _____**

**UNANIMOUS: _____**

**A TRUE RECORD ATTEST:**

**YES: _____ NO: _____**

**ABSTAIN: _____ ABSENT: _____**

**RECUSED: _____**

**Nancy Danello, CMC**
**Town Clerk**

_____
**Glenn Jones, Clerk**
**Franklin Town Council**

TOWN
ADMINISTRATOR
TOWN of FRANKLIN

# MEMORANDUM

July 18, 2025

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

**RE:** **Resolution 25-50:** Adoption of Local Initiative Program (LIP) "Friendly 40B" Policy

---

The Council will consider approving a Friendly 40B policy, which will set the precedent that any current or future changes to the policy will require Town Council approval. Given the community feedback on housing and development, it is important the legislative body of the community has a clear policy on these matters.

We have simplified the draft policy before the Town Council tonight, which is the same substance as the current staff policy. However, we have updated some of the narrative to ensure clarity, legislative compliance with town bylaws and for formatting purposes. We propose to keep Amy Love as a contact who has done a great job managing the current applications.

The Town Council can accept the current draft proposal or it can be amended, changed, provide feedback to the staff or take this matter up again in the future. The Council could also decide to not accept applications until further notice. As this policy only relates to LIP applications, the Council has relatively generous authority to develop a policy on how they want to handle these matters.

**Current Town Policy**

We have attached the current staff policy from November 24, 2024. The current application requirements were developed by the permitting staff. As a reminder, the past two years has seen the first and only three Friendly 40B applications in recent memory, if not in the town's history. Policies are meant to adapt and evolve based on experience and public feedback. Tonight's discussion and legislation for action are evolutions in this experience.

The clear intent of this policy was to create a reasonable process to help guide the Town Council on their decision-making. The process called for preliminary reviews from the committees and staff who are experts in these matters, while also holding public meetings and forums to allow the public to have a greater opportunity for residents to participate. The policy was an attempt to recognize the many

complaints town officials have heard over the years from residents they had felt like no one told them about meetings and projects in their neighborhoods. The goal was to give residents and town officials greater information earlier, and more aplenty, than ever before. It was a good faith effort on our part, something we were not required to do.

On November 25, 2024, staff had already amended the policy to prohibit any *further* apartment complexes from consideration (at least anything above 20 units that are allowed by right in certain zoning districts along Route 140). This policy allows for home ownership projects to be considered.

**Current SHI status**

According to the Massachusetts Executive Office of Housing & Liveable Communities (EOHLC), the Town of Franklin currently has 10.86% of the Town's year-round housing units on the Subsidized Housing Inventory (SHI). This statistic is located on the state's website here. The effective date on the SHI is June 29, 2023 by state officials. Adjacent towns are: Wrentham 11.63%, Norfolk 4.21%, Medway 11.37% and Bellingham is 11.22%. These statistics have obviously changed since then and will continue to evolve. I hope the state updates these numbers on their website, as this outdated data confuses town officials across the state.

However, with the approval of 121 Grove Street, the town will be at 13.68% affordable but this has not been reflected in the state website for some reason. We have confirmed this with the state. However, market rate units that have come on since 2020 are not reflected in the 13.68% statistic With more desirable, market rate units for sale in the future, we anticipate that the percentage will decrease below 13% but stay in the 11-13% range for much of the decade (assuming no units come off the state list).

The SHI percentage can change quickly based on state law and regulations. The Town has to be conscious that a large project could come off the SHI someday (Glen Meadow several years back) for various reasons.. The Town has seen very unpopular projects proposed as the overall percentage dipped under 10% (Madeline Village).

Other projects that would qualify to increase the SHI percentage are: 444 East Central St., 237 Pleasant Street, 762 Washington Street w/ Habitat for Humanity.

Our retired Director of Planning and Community Development did an extensive presentation on housing in town before the Town Council on January 5, 2025. As of this presentation, Bryan estimated the town was 108 market units away from being under the 10% threshold.

**Chapter 40B**

Chapter 40B is a far more extensive statute than its most infamous sections, such as the state law that requires 10% of its housing stock to be certified as affordable, per state standards. The law was passed in the late 1960's and has not been altered at all since. It is the main contributor to affordable housing in Massachusetts. It is deeply flawed and successful.

Because Franklin is above the 10% affordable housing threshold, it can permit "Friendly 40B" projects to build housing with deeded affordable units. Unlike traditional 40B projects, this allows municipalities to remain in control of some aspects of the project.

The Town receives the full allotment of units as affordable on the SHI. For example, the entire 331 units at 121 Grove Street will count to increase the percentage, not just the 25% of units that are affordable. All 40B developments are required to create housing where at least 25% of housing units are affordable according to EOHLC regulations.

EXHIBIT 1

PLANNING &
COMMUNITY DEVELOPMENT
TOWN of FRANKLIN

November 25, 2024

**Friendly Chapter 40B Projects – Local Initiative Program (LIP)**

According to the Massachusetts Department of Housing & Community Development (DHCD), the Town of Franklin currently has 11.97% of the Town's year-round housing units on the Subsidized Housing Inventory (SHI). Because Franklin is above the 10% affordable housing threshold, it can permit "Friendly 40B" projects to build mixed-income housing. Unlike traditional 40B projects, this allows municipalities to remain in control of most aspects of project design and construction. A "Friendly 40B" project - that is, a project that has local support because of the contribution it can make to the community's need for more diverse housing options, and the contributions the developer agrees to make to local needs (infrastructure, public safety, land protection, etc.).

All 40B developments are required to create housing where at least 25% of housing units are affordable according to DHCD regulations, but not all projects are equal in other ways (e.g., type and size housing units; location; proximity to transit; traffic impacts; public space; recreation or open space resources; aesthetics; building design; community character; wetland protection; safety; walkability; sustainability; low impact development).

The Town is not under pressure to increase its SHI by immediately approving additional 40B developments. Given that the Town has received inquiries regarding Friendly 40B's projects, the Town staff has put together a preliminary process to follow in determining if the project meets the needs of the Town and follows the LIP process.

Until further notice, the Town policy will be to accept Friendly 40B applications that provide for home ownership and not rentals. The Town is requiring "Friendly 40B" projects not include any housing that are large scale rental apartments exceeding 20 units. The Town will only consider Friendly 40B projects that offer home ownership, including, but not limited to, single-family subdivision developments, duplex or triplex housing developments, and condominium style and cottage style developments or small scale family rental projects (20 units or under). The Town recognizes that project proponents may choose to apply through state MassHousing agency for rental projects above the 20 unit threshold.

Franklin's Town Administrator has appointed the Town Planner as a single point of contact to serve as the primary municipal liaison for all issues relating to Chapter 40B affordable housing development matters. The Municipal Point of Contact will assist developers/applicants to sort out the 40B process and related requirements. Casual early pre-permit discussions with the Municipal Point of Contact are highly recommended.

Municipal Point of Contact for Chapter 40B Development Issues:

Amy Love, Town Planner
Planning and Community Development Town of Franklin
355 East Central Street Franklin, MA  02038-1352
Phone: 508-520-4907
Email: alove@franklinma.gov

Below outlines the Town of Franklin recommended Checklist to proceed with a LIP application:

1. **Project Information**
    - **a.** Project Name: _____
    - **b.** Applicant Point of Contact:_____
    - **c.** Project Team – Name, Title, contact
    - **d.** Project Location: _____
    - **e.** Number of Units: _____
    - **f.** Bedroom Count: 1 Bedroom_____2 Bedrooms_____3 Bedrooms ____
    - **g.** Rental or Ownership

2. **Criteria for Review**
    - **a.** Percent of Affordable Units
    - **b.** Number of Affordable Units
    - **c.** Number of units to count on the SHI
    - **d.** Public Benefits
        - **i.** Public Access/Trails/Open Space
        - **ii.** Road Improvements
        - **iii.** Amenities
        - **iv.** Positive or Negative Impacts on the Town
        - **v.** Safety/Fire Impacts to Town

3. **Review Process**
    - **a. Tech Review**
        - **i.** Attend a Technical Staff Review meeting held on Wednesdays at 3:00PM

    - **b. Planning Board – Provide a non-binding review from the Planning Board**
        - **i.** Review to include
            1. Compliance with Section 185-31 of Town Zoning By-Law
            2. List of waivers, as minimal as possible
            3. Special Permit Criteria
            4. Stormwater Review
            5. Parking review
            6. The applicant is required to notify direct, immediate abutters when the non-binding review is scheduled.

    - **c. Conservation Commission (if required) – non-binding review from the Commission**
        - **i.** Review to include
            1. Wetland Resource Impacts
            2. Completed ANRAD
            3. Wetland Crossings
            4. Area Wetland maps and disturbance

d. **Department of Housing and Community Development (DHCD)**
    i. A Letter acknowledging the number of units that will be accepted on the Town's SHI List.

e. **Town Council Presentation**
    i. Applicant should present an overview of the proposed project and outline the benefits for the Public
    ii. Gather feedback from Town Council members

f. **Zoning Board of Appeals Approval**
    i. Applicant shall submit a full application for the ZBA review and decision.

Please note, the Applicant is free to submit an application directly to Zoning Board of Appeals. However, if the Applicant wants the support from the Town, and file under the LIP, it is highly suggested they follow this checklist.

# TOWN OF FRANKLIN
# RESOLUTION 25-50

## ADOPTION OF LOCAL INITIATIVE PROGRAM "FRIENDLY 40B" POLICY

---

The Franklin Town Council, on behalf of the Town of Franklin, hereby adopts the "Local Initiative Program "Friendly 40B" Policy", dated July 23, 2025, attached hereto as "Exhibit 1".

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

---

**DATED: _____ , 2025**

**VOTED: _____**

**UNANIMOUS: _____**

**A TRUE RECORD ATTEST:**

**YES: _____ NO: _____**

**ABSTAIN:_____ ABSENT: _____**

**RECUSED: _____**

**Nancy Danello, CMC**
**Town Clerk**

_____
**Glenn Jones, Clerk**
**Franklin Town Council**

EXHIBIT 1

**Town Council**
Tom Mercer, *Chair*
Robert Dellorco, *Vice Chair*
Glenn Jones, *Clerk*

**TOWN *of* FRANKLIN**
MASSACHUSETTS

355 E. Central St.
Franklin, MA 02038
P. 508.520.4949
www.franklinma.gov

Date: July 23, 2025

**LOCAL INITIATIVE PROGRAM "FRIENDLY 40B" POLICY**

Town Council policy will be to accept Local Initiative Program (LIP) "Friendly 40B" applications that only provide for home ownership. The Town is not accepting rental housing based projects, but this policy recognizes that there are other means in federal and state laws or bodies, as well as local bylaws, to propose rental-based housing.

The Town Council will only consider Local Initiative Program (LIP) "Friendly 40B" applications that offer home ownership, while encouraging many varying housing types, including, but not limited to, single-family subdivision developments, duplex or triplex housing developments, and condominium style and cottage style developments.

Through the Franklin Town Administrator, the Town Council has appointed the Town Planner as a single point of contact to serve as the primary municipal liaison for all issues relating to Chapter 40B affordable housing development matters. The Municipal Point of Contact will assist applicants in navigating the 40B process and related requirements, Town Code, process and coordination with all town officials.

The Municipal Point of Contact for Chapter 40B and the Local Initiative Program (LIP) "Friendly 40B" is:

Amy Love, Town Planner
Planning and Community Development Town of Franklin
355 East Central Street Franklin, MA 02038-1352
Phone: 508-520-4907
Email: alove@franklinma.gov

TOWN ADMINISTRATOR
TOWN of FRANKLIN

# MEMORANDUM

July 18, 2025

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

**RE:** Zoning Bylaw Amendments 25-929, 930, 931, 932, 933 & 934: Crossing Neighborhood District

---

The Town Council will consider referring the following six bylaw proposals to the Planning Board for a public hearing. These bylaw amendments comprise the proposal to create the Crossing Neighborhood District (6 separate votes, all related). This is a goal for the Town Council for the 2024-25 legislative session.

On July 16th the EDC held a meeting related to this zoning and desired to strike a balance between the Master Plan goals, while maintaining the unique character of the neighborhood. They voted unanimously, 3-0 (with one recusal), to recommend all six Zoning Bylaw Amendments to the Town Council.

In short, these six votes will:

- Create a new zoning district (formerly "C-1") with a new definition that helps create a warmer neighborhood environment for future low impact development that is consistent with the neighborhood character.
    - The definition is: The Crossing Neighborhood District (CN) is intended primarily as a diverse mixed-use economically and culturally rich district. A strong emphasis is placed on pedestrian-friendly design, encouraging a wide range of residential, commercial, cultural, and entertainment uses. Limited light industrial uses may be permitted. Single-family, two-family and multifamily and apartment residential uses are allowed.

- Add only six (6) new parcels to the current zoning (all of already commercial uses).

- Cap any building at three stories, including first floor retail/business but two stories of residential.

- Mirror Downtown/Commercial zoning for dimensional requirements (EG - setbacks).

- Lower the required parking requirements from 1.5 spaces per residential unit to 1 per unit, which mirrors Downtown/Commercial zoning. However, unlike Downtown/Commercial, the Crossing zoning would require 1 space per 500 sq feet of commercial uses. D/C does not require any commercial parking requirement due to the multiple lots for the public to park in. The Crossing Neighborhood does not have any public parking available.

These votes will NOT:

- Allow for any special permit criteria for greater density or building height above 3 stories. The maximum height is 3 stories to maintain the neighborhood feel.

For more detailed information, please see the July 10th dated memo from Town Planner Amy Love as well as the six proposed bylaw amendments which are included in the agenda packet for the 7/23/25 Town Council Meeting.

Please let us know if you have any questions.

PLANNING &
COMMUNITY DEVELOPMENT
TOWN of FRANKLIN

# MEMORANDUM

July 17, 2025

To: Tom Mercer, Chairman, Town Council
From: Amy Love, Town Planner

Cc: Jamie Hellen, Town Administrator; Amy Frigulietti, Deputy Town Administrator; Mark Cerel, Town Attorney; Gus Brown, Zoning Enforcement Officer

**RE: Crossing Neighborhood District, Recommended Zoning Bylaw Amendments**

---

As requested the Department of Planning & Community Development (DPCD) has developed a draft Zoning Bylaw Amendments, which if approved by Town Council would create the "*Crossing Neighborhood District",* or for purposes of the Town's Zoning Bylaw and related amendments the Crossing Neighborhood (CN) Zoning District.

This new zoning district would include all parcels along and near Union Street between East Street and Washington Streets that are currently within the Commercial I Zoning District, as well as twelve additional parcels just to the north and south of the Commercial I parcels.

Below is a quick summary of the six recommended Zoning Bylaw Amendments.

Zoning Bylaw Amendment 25-929, Creation of the Crossing Neighborhood Zoning District, A Zoning By-law Amendment to the Code of the Town of Franklin at Chapter §185-4 Districts Enumerated.

The Amendment would define the purpose of the Crossing Neighborhood Zoning District as follows:

> The Crossing Neighborhood District (CN) is intended primarily as a diverse mixed-use economically and culturally rich district. A strong emphasis is placed on pedestrian-friendly design, encouraging a wide range of residential, commercial, cultural, and entertainment uses. Limited light industrial uses may be permitted. Single-family, two-family and multifamily and apartment residential uses are allowed.

Zoning Bylaw Amendment 25-930, Zoning Map Changes: Crossing Neighborhood Zoning District, A Zoning By-law Amendment to the Code of the Town of Franklin at Chapter §185-5, Zoning Map.

The Amendment would identify on the Zoning Map which parcels will be rezoned to the Crossing Neighborhood Zoning District.

Zoning Bylaw Amendment 25-931, Crossing Neighborhood Zoning District Use Regulations, A Zoning By-law Amendment to the Code of the Town of Franklin at Chapter 185 Use Regulations Schedule Part I through Part VII.

The Amendment adds Crossing Neighborhood Zoning District to the Use Regulations Schedule in Attachments 2 through 8 of the Zoning Bylaw. The vast majority of uses allowed by right or by special permit are the same as the current Commercial I Zoning District. However, Town staff have recommended several changes giving the new zoning district a somewhat unique character.

Zoning Bylaw Amendment 25-932, Crossing Neighborhood Zoning District Dimensional Regulations, A Zoning By-law Amendment to the Code of the Town of Franklin at Chapter 185, Schedule of Lot, Area, Frontage, Yard and Height Requirements.

The Amendment adds the Crossing Neighborhood Zoning District to the Schedule of Lot, Area, Frontage, Yard and Height Requirements in Attachment 9. Dimensional regulations for the proposed Crossing Neighborhood Zoning District are the same as the current Commercial I Zoning District.

Zoning Bylaw Amendment 25-933, Crossing Neighborhood Zoning District Parking Regulations, A Zoning By-law Amendment to the Code of the Town of Franklin at Chapter §185-21 Parking, Loading and Driveway Requirements.

The Amendment adds a new Sub-section B(3) to the Parking schedule, requiring one (1) parking space per residential dwelling unit, and one (1) parking space per 500 square feet of floor area for non-residential uses. Note, the Parking schedule currently requires 1.5 parking spaces per residential unit and 1 parking space per 500 square feet for non-residential uses in the Commercial I Zoning District.

Zoning Bylaw Amendment 25-934, Crossing Neighborhood Zoning District, A Zoning By-law Amendment to the Code of the Town of Franklin at Chapter 185 Sections 3, 4, 20, & 31.

Adds "Crossing Neighborhood Zoning District" (or similar wording) to five other sections of the Town's Zoning Bylaw. There were no other changes to these sections of the Zoning Bylaw. Below is a short summary.

§185-3 Definitions

Amends the Commercial and Business Corridor Sign District definition to include the Crossing Neighborhood Zoning District.

§185-4 Definitions

Amends District Enumerated to include the Crossing Neighborhood Zoning District.

§185-20 Signs

Amends the Town's Sign Bylaw (§185-20) by adding the Crossing Neighborhood Zoning District to the Downtown Commercial District.

§185-31 Site Plan and Design Review

Adds the Crossing Neighborhood Zoning District to the list of zoning districts requiring projects to go before the Design Review Commission.

Please let me know if you have questions or require additional information.

# TOWN OF FRANKLIN
# ZONING BY LAW AMENDMENT 25-929

## CREATION OF THE CROSSING NEIGHBORHOOD ZONING DISTRICT

## A ZONING BY-LAW AMENDMENT TO THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 185, SECTION 4, DISTRICTS ENUMERATED

---

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT**:
Chapter 185 of the Code of the Town of Franklin is hereby amended by **adding** text at §185-4. Districts Enumerated as follows:

Add to the end of §185-4.A a line stating:

**Crossing Neighborhood (CN)**

Add to the end of §185-4.C a paragraph stating:

> **(16) The Crossing Neighborhood District (CN) is intended primarily as a diverse mixed-use economically and culturally rich district. A strong emphasis is placed on pedestrian-friendly design, encouraging a wide range of residential, commercial, cultural, and entertainment uses. Limited light industrial uses may be permitted. Single-family, two-family and multifamily and apartment residential uses are allowed.**

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:_____, 2025**

**A TRUE RECORD ATTEST:**

**Nancy Danello, CMC**
**Town Clerk**

**VOTED: _____**

**UNANIMOUS: _____**

**YES: _____ NO: _____**

**ABSTAIN: _____ ABSENT: _____**

**RECUSED: _____**

_____
**Glenn Jones, Clerk**
**Franklin Town Council**

# TOWN OF FRANKLIN
# ZONING BY LAW AMENDMENT 25-930

## ZONING MAP CHANGES: CROSSING NEIGHBORHOOD ZONING DISTRICT

## 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 Industrial to Crossing Neighborhood an area containing 0.65± acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

| | |
|---|---|
| 287-080-000 | 287-081-000 |

And the Zoning Map of the Town of Franklin be amended by changing from Single Family Residential IV to Crossing Neighborhood an area containing 2.44± acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

| | | |
|---|---|---|
| 287-033-000 | 287-037-000 | 296-086-000 |
| 287-034-000 | 287-038-000 | 296-087-000 |
| 287-035-000 | 287-039-000 | 296-200-000 |
| 287-036-000 | | |

And the Zoning Map of the Town of Franklin be amended by changing from Commercial I to Crossing Neighborhood an area containing 36.47± acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

| | | |
|---|---|---|
| 287-042-000 | 287-072-000 | 296-172-000 |
| 287-042-002 | 287-073-000 | 296-173-000 |
| 287-044-000 | 287-074-000 | 296-182-000 |
| 287-053-000 | 287-076-000 | 296-183-000 |
| 287-054-000 | 287-077-000 | 296-184-000 |
| 287-055-000 | 287-078-000 | 296-185-000 |
| 287-056-000 | 296-018-000 | 296-186-000 |
| 287-057-000 | 296-019-000 | 296-187-000 |
| 287-058-000 | 296-020-000 | 296-201-000 |
| 287-059-000 | 296-021-000 | 296-202-000 |
| 287-065-000 | 296-022-000 | 296-205-000 |
| 287-066-000 | 296-023-000 | 296-206-000 |
| 287-068-000 | 296-024-000 | 296-207-000 |
| 287-069-000 | 296-026-000 | 296-208-000 |
| 287-071-000 | 296-027-000 | 296-209-000 |

The area to be rezoned is shown on the attached map ("Proposed Zoning Map Changes, The Crossing Zoning District").

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:_____, 2025**

**A TRUE RECORD ATTEST:**

**Nancy Danello, CMC**
**Town Clerk**

**VOTED: _____**

**UNANIMOUS: _____**

**YES: _____ NO: _____**

**ABSTAIN: _____ ABSENT: _____**

**RECUSED: _____**

_____
**Glenn Jones, Clerk**
**Franklin Town Council**

# Proposed Zoning Map Changes

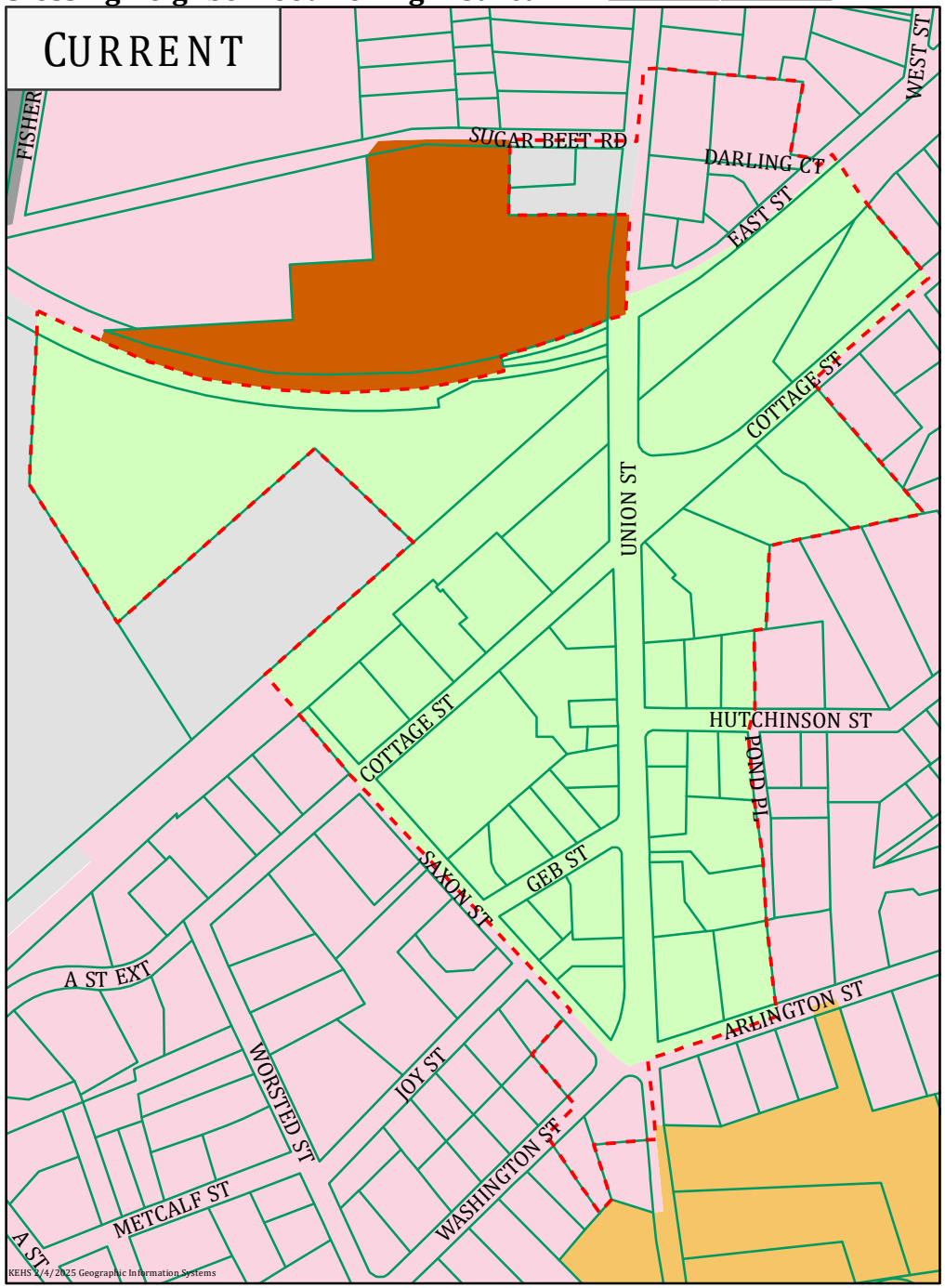
**An Area On Or Near Union Street**

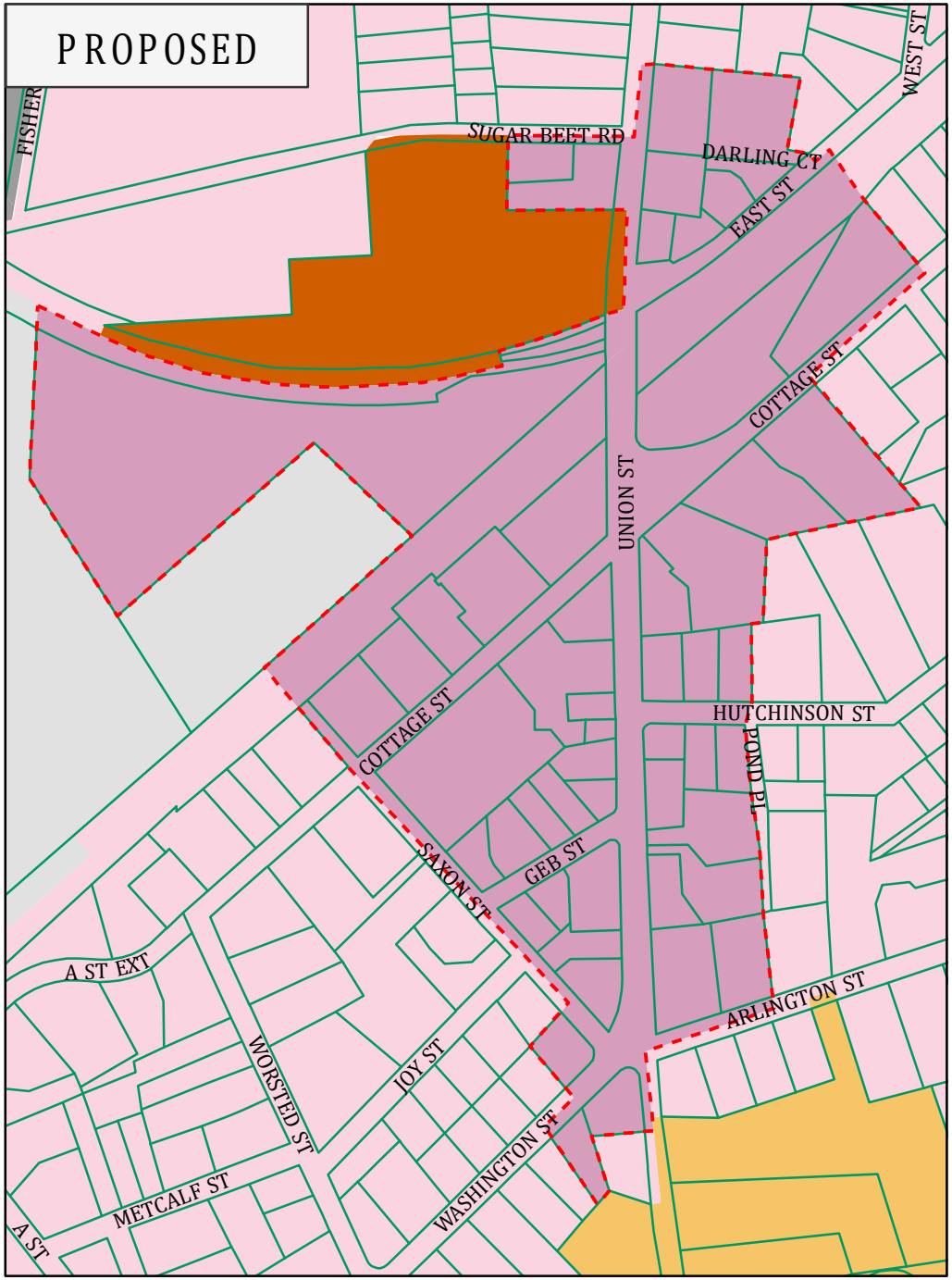
**From Industrial, Commercial I and Single-Family IV to Crossing Neighborhood Zoning District**

0 200 400 Feet

- Commercial I
- Industrial
- Mixed Business Innovation
- Residential VI
- Single-Family III
- Single-Family IV
- Crossing Neighborhood
- Area of Proposed Change
- Parcel Line

**Amendment 25-930**



# TOWN OF FRANKLIN
# ZONING BY LAW AMENDMENT 25-931

## THE CROSSING NEIGHBORHOOD ZONING USE REGULATIONS

## A ZONING BY-LAW AMENDMENT TO THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 185, USE REGULATION SCHEDULE, PART I THROUGH PART VII

---

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT**:
Chapter 185 of the Code of the Town of Franklin is hereby amended by the following **additions** and ~~**deletions**~~ to §185, Attachment 2 through Attachment 8 Use Regulations Schedule Part I through Part VII:

185 Attachment 2
USE REGULATION SCHEDULE
PART I

Symbols in the Use Regulations Schedule shall mean the following:

Y = A permitted use.

N = An excluded or prohibited use.

BA = A use authorized under special permit from the Board of Appeals.

PB = A use authorized under special permit from the Planning Board.

P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

| | District | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Principal Uses** | **RRI RRII RVI RVII** | **SFRIII** | **SFRIV** | **GRV** | **NC** | **RB** | **CN** | **CI** | **CII** | **DC** | **B** | **I** | **LI** | **O** | **MBI** |
| 1. Agriculture, horticulture and floriculture | | | | | | | | | | | | | | | |
| 1.1 Nursery, greenhouse | Y | Y | Y | Y | Y | Y | **Y** | Y | Y | N | Y | Y | N | Y | N |
| 1.2 Produce stand[1] | Y | Y | Y | Y | Y | Y | **Y** | Y | Y | Y | Y | Y | N | Y | N |
| 1.3 Other, parcel of 5 or more acres | Y | Y | Y | Y | Y | Y | **Y** | Y | Y | Y | Y | Y | Y | Y | Y |
| 1.4 Other, parcel under 5 acres: | | | | | | | | | | | | | | | |
| a. With swine or fur-bearing animals for commercial use | N | N | N | N | N | N | **N** | N | N | N | N | N | N | N | N |
| b. With other livestock or poultry | Y[2] | Y[2] | N | N | N | N | **N** | N | N | N | N | N | N | N | N |
| c. With no livestock | Y | Y | Y | Y | Y | Y | **Y** | Y | Y | Y | Y | Y | N | Y | N |
| 1.5 Garden Center, Retail or Wholesale | PB | PB | PB | PB | PB | PB | **PB** | PB | Y | N | Y | PB | PB | PB | PB |

NOTES:

1 For sale of produce raised or grown on the premises by the owner or lessee thereof.

2 Provided that any building or structure is at least 100 feet from the nearest street or property line.

185 Attachment 3
USE REGULATION SCHEDULE
PART II

Symbols in the Use Regulations Schedule shall mean the following:

Y = A permitted use.
N = An excluded or prohibited use.
BA = A use authorized under special permit from the Board of Appeals.
PB = A use authorized under special permit from the Planning Board.
P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

| Principal Uses | District | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **RRI RRII RVI RVII** | **SFRIII** | **SFRIV** | **GRV** | **NC** | **RB** | **CN** | **CI** | **CII** | **DC** | **B** | **I** | **LI** | **O** | **MBI** |
| 2. Commercial | | | | | | | | | | | | | | | |
| 2.1 Adult entertainment establishment | N | N | N | N | N | N | **N** | N | N | N | N | N[2] | N | N | N |
| 2.2 Animal kennel, hospital | BA | BA | BA | BA | BA | N | **N** | BA | BA | N | BA | BA | BA | BA | N |
| 2.21 Animal day care, training | BA | BA | BA | BA | BA | N | **N** | BA | BA | N | BA | BA | BA | BA | N |
| 2.22 Animal grooming | BA | BA | BA | BA | BA | N | **Y** | Y | BA | Y | BA | BA | BA | BA | N |
| 2.3 Office, excluding office parks: | | | | | | | | | | | | | | | |
| a. Bank or credit union | N | N | PB | PB | PB | N | **Y** | Y | Y | Y | Y | Y | Y | Y | N |
| b. Medical or dental | PB | PB | PB | PB | PB | N | **P/SP** | P/SP | P/SP | P/SP | P/SP | P/SP | P/SP | P/SP | P/SP |
| c. Professional | PB | PB | PB | PB | PB | N | **P/SP** | P/SP | P/SP | P/SP | P/SP | P/SP | P/SP | P/SP | P/SP |
| d. Clerical, or administrative | N | N | N | PB | PB | N | **Y** | **Y** [6] | Y | Y | Y | Y | Y | Y | Y |
| 2.4 Funeral home, undertaking | N | N | N | N | P/SP | N | **P/SP** | P/SP | P/SP | P/SP | P/SP | N | N | N | N |
| 2.5 Hotel, motel | N | N | N | N | N | N | **PB** | PB | PB | Y | PB | PB | PB | PB | N |
| 2.6 Motor vehicle, boat, farm implement sales; rental and leasing: | | | | | | | | | | | | | | | |
| a. With repair service | N | N | N | N | N | N | **N** | N | PB | N | N | N | N | N | N |
| b. Without repair service | N | N | N | N | N | N | **N** | N | PB | N | PB | N | N | N | N |
| c. Other | N | N | N | N | N | N | **N** | N | PB | N | N | N | N | N | N |
| 2.7 Motor vehicle service, repair: | | | | | | | | | | | | | | | |
| a. Auto body, painting, soldering, welding | N | N | N | N | N | N | **N** | N | PB | N | N | PB | N | N | N |
| b. Filling or service station | N | N | N | N | N | N | **N** | PB | PB | N | PB | PB | N | N | N |
| c. Other | N | N | N | N | N | N | **N** | PB | PB | N | PB | PB | N | N | N |
| 2.8 Parking | | | | | | | | | | | | | | | |
| a. Parking facility | N | N | N | N | N | N | **PB** | N | N | N | N | N | N | N | N |
| b. Off-street parking | N | N | N | N | N | N | **N** | N | N | PB | N | N | N | N | N |
| 2.9 Restaurant, bar | N | N | N | N | N | N | **P/SP** | P/SP[3] | P/SP | P/SP[3] | P/SP | PB | N[4] | PB | Y [7 8] |

| Principal Uses | District | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **RRI RRII RVI RVII** | **SFRIII** | **SFRIV** | **GRV** | **NC** | **RB** | **CN** | **CI** | **CII** | **DC** | **B** | **I** | **LI** | **O** | **MBI** |
| 2.10 Shopping center | N | N | N | N | N | N | **PB** | PB | PB | N | PB | N | N | N | N |
| 2.11 Storage facility | N | N | N | N | N | N | **N** | N | N | N | N | PB | N | N | N |
| 2.12 Tattoo parlor/body-piercing studio | N | N | N | N | N | N | **N** | N | N | N | N | PB | N | N | N |
| 2.13 Tourist home | PB | PB | P/SP | P/SP | P/SP | N | **P/SP** | P/SP | P/SP | N | P/SP | N | N | N | N |
| 2.14 Office park | N | N | N | N | PB | N | **N** | PB | PB | N | PB | PB | N | Y | PB |
| 2.15 Other retail sales, services | | | | | | | | | | | | | | | |
| a. General | N | N | N | N | N | N | **P/SP** | P/SP | P/SP | P/SP | P/SP | N[4] | N[4] | N[4] | Y [7 8] |
| b. Personal | N | N | N | N | P/SP[5] | N[4] | **P/SP** | P/SP | P/SP | P/SP | P/SP | N[4] | N[4] | N[4] | Y [7 8] |
| c. Other | N | N | N | N | N | N | **P/SP** | P/SP | P/SP | P/SP | P/SP | N[4] | N[4] | N[4] | Y [7 8] |
| 2.16 Vehicular service establishment | N | N | N | N | N | N | **N** | PB | PB | PB | PB | N | N | N | N |
| 2.17 Trade center | N | N | N | N | N | N | **N** | N | N | N | N | N | P/SP | PB | N |
| 2.18 Catering | PB | PB | PB | PB | PB | N | **Y** | PB | PB | PB | PB | Y | Y | N | N[4] |
| 2.19 Function Hall | PB | N | PB | PB | PB | N | **PB** | PB | PB | PB | PB | Y | Y | N | N[4] |
| 2.20 Psychic services/fortune-telling | N | N | N | N | PB | N | **N** | N | N | N | N | PB | N | N | N |
| 2.21 Bed-and-breakfast | PB | PB | P/SP | P/SP | P/SP | N | **P/SP** | P/SP | P/SP | P/SP | P/SP | N | N | N | N |
| 2.22 Country Store | N | N | N | N | Y | PB | **Y** | Y | Y | N | Y | N | N | N | N |
| 2.23 Non-Medical Marijuana Facility | N | N | N | N | N | N | **N** | N | N | N | N | PB [6 7] | N | N | N |
| 2.24 Business Incubator and Co-working Space | N | N | N | N | PB | PB | **Y** | Y | Y | Y | Y | Y | Y | Y | Y |
| 2.25 Artisanal and Craft Maker Space | N | N | N | N | PB | PB | **Y** | Y | Y | Y | Y | N | Y | Y | Y |
| 2.26 Art Gallery | N | N | N | N | PB | Y | **Y** | Y | Y | Y | Y | N | N | Y | Y |
| 2.27 Shared-Use Commercial Kitchen | N | N | N | N | N | N | **Y** | Y | Y | Y | Y | Y | Y | Y | Y |

NOTES:

1. If any part of a principal use is considered a VSE (see § 185-3, Definitions), the requirements for VSE must be met.
2. Except as permitted by a special permit within the Adult Use Overlay District as described in § 185-47.
3. Except BA if involving live or mechanical entertainment.
4. Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule, Part VII, Accessory Uses.
5. Establishments are limited to a maximum gross building footprint of 2,800 square feet.
6. Non-Medical Marijuana Facilities may be permitted by Planning Board special permit in portions of the Industrial Zone which are in the Marijuana Use Overlay District, see §185-49.
7. Allowed as part of a commercial mixed-use development. Stand alone restaurants and retail establishments are not allowed.

185 Attachment 4
USE REGULATION SCHEDULE
PART III

Symbols in the Use Regulations Schedule shall mean the following:

Y = A permitted use.
N = An excluded or prohibited use.
BA = A use authorized under special permit from the Board of Appeals.
PB = A use authorized under special permit from the Planning Board.
P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

| | District | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Principal Uses** | **RRI RRII RVI RVII** | **SFRIII** | **SFRIV** | **GRV** | **NC** | **RB** | **CN** | **CI** | **CII** | **DC** | **B** | **I** | **LI** | **O** | **MBI** |
| 3. Industrial, utility | | | | | | | | | | | | | | | |
| 3.1 Bus, railroad station | N | N | N | N | N | N | **P/SP** | P/SP | P/SP | P/SP | P/SP | P/SP | N | P/SP | N |
| 3.2 Contractor's yard | | | | | | | | | | | | | | | |
| a. Landscape materials storage and distribution | N | N | N | N | N | N[7] | **N** | N | N | N | N[7] | P/SP | N | N | N |
| b. Other | N | N | N | N | N | N | **N** | N | N | N | N[7] | P/SP | N | N | N |
| 3.3 Earth removal | | | | | | | | | | | | | | | |
| a. Earth removal, commercial[3,5,6] | N | N | N | N | N | N | **BA** | BA | BA | N | BA | BA | N | BA | N |
| b. Earth removal, other[3,4] | BA | BA | BA | BA | BA | BA | **BA** | BA | BA | BA | BA | BA | N | BA | N |
| c. Rock quarrying | N | N | N | N | N | N | **N** | N | N | N | N | N | N | N | N |
| d. Washing, sorting and/or crushing or processing of materials | N | N | N | N | N | N | **N** | N | N | N | N | N | N | N | N |
| e. Production of concrete | N | N | N | N | N | N | **N** | N | N | N | N | N | N | N | N |
| f. Production of bituminous concrete | N | N | N | N | N | N | **N** | N | N | N | N | N | N | N | N |
| 3.4 Lumberyard | N | N | N | N | N | N | **N** | N | N | N | N | PB | N | N | N |
| 3.5 Manufacturing and Processing: | | | | | | | | | | | | | | | |
| a. Biotechnology[1] | N | N | N | N | N | N | **N** | N | N | N | N | Y | N | Y | N |
| b. Light | N | N | N | N | N | N | **PB** | PB | PB | PB | PB | P/SP | N | PB | Y[8] |
| c. Medium | N | N | N | N | N | N | **N** | N | N | N | N | P/SP | N | N | Y[8] |
| d. Heavy | N | N | N | N | N | N | **N** | N | N | N | N | N | N | N | N |
| 3.6 Printing, publishing: | | | | | | | | | | | | | | | |
| a. Under 5,000 square feet | N | N | N | N | N | N | **P/SP** | P/SP | P/SP | P/SP | P/SP | P/SP | N | P/SP | N |
| b. Over 5,000 square feet | N | N | N | N | N | N | **N** | N | N | N | P/SP | P/SP | N | PB | N |

| Principal Uses | District | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **RRI RRII RVI RVII** | **SFRIII** | **SFRIV** | **GRV** | **NC** | **RB** | **CN** | **CI** | **CII** | **DC** | **B** | **I** | **LI** | **O** | **MBI** |
| 3.7 Public utility | P/SP | P/SP | P/SP | P/SP | N | N | **P/SP** | P/SP | P/SP | P/SP | P/SP | P/SP | ~~N~~ | P/SP | N |
| a. Electric power plant | N | N | N | N | N | N | **N** | N | N | N | N | BA | N | N | N |
| 3.8 Research and development: | | | | | | | | | | | | | | | |
| a. Biotechnology[1] | N | N | N | N | N | N | **N** | N | N | N | N | PB[2] | N | PB[2] | N |
| b. Others | N | N | N | N | N | N | **N** | N | N | N | P/SP | P/SP | ~~N~~ | P/SP | P/SP |
| 3.9 Solid waste facility | N | N | N | N | N | N | **N** | N | N | N | N | BA | N | N | N |
| 3.10 Warehouse, distribution facility | N | N | N | N | N | N | **N** | N | N | N | PB | Y | ~~N~~ | N[7] | Y |
| 3.11 Wholesale office, salesroom: | | | | | | | | | | | | | | | |
| a. With storage | N | N | N | N | N | N | **N** | N | P/SP | N | P/SP | P/SP | ~~N~~ | N[7] | Y |
| b. Without storage | N | N | N | N | N | N | **Y** | Y | Y | Y | Y | Y | N[7] | N[7] | Y |
| 3.12 Conference center | N | N | N | N | N | N | **N** | N | PB | N | PB | PB | P/SP | PB | P/SP |
| 3.13 Brewery, distillery, or winery production with tasting room | N | N | N | N | N | N | **PB** | PB | PB | PB | PB | PB | PB | N | PB |
| 3.14 Ground-mounted Solar Energy System | | | | | | | | | | | | | | | |
| a. Small-scale | ~~Y~~ | Y | Y | Y | Y | Y | **N** | N | Y | N | Y | Y | Y | Y | N[7] |
| b. Medium-scale[(8) (10)] | PB | PB | PB | N[7] | N | N[7] | **N** | N | PB | N | Y | N | N | N[7] | N |
| c. Large-scale[(8) (10)] | N | N | N | N | N | N | **N** | N | N | N | N | Y | N | N | N |

NOTES:

1. Subject to § 185-42.
2. Biotechnology uses are permitted in the portions of the Industrial District and Office District which are in the Biotechnology Uses Overlay District.
3. See § 185-23, specifically, § 185-23A, Exemptions.
4. See § 185-44, "Administration and enforcement," for general special permit filing information, and § 185-23, Earth removal regulations, for specific filing information.
5. Any commercial earth removal is not permitted within a Water Resource District.
6. See § 185-3 for "commercial earth removal" definition.
7. Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule, Part VII, Accessory Uses.
8. Planning Board Site Plan Review is required of all Medium-scale and Large-scale Ground-mounted Solar Energy Systems
9. All forms, solid, liquid and gas, of the following classes of hazardous materials shall be prohibited from the zone: Corrosives; Organic Peroxides; Oxidizers Pyrophoric; Toxic and Highly toxic; Unstable; and Water Reactive.
10. No Medium-scale or Large-scale Ground-mounted Solar Energy Systems on parcels within or adjacent to residential Zoning Districts shall be located nearer to the lot lines than 75 feet.

185 Attachment 5
USE REGULATION SCHEDULE
PART IV

Symbols in the Use Regulations Schedule shall mean the following:

Y = A permitted use.

N = An excluded or prohibited use.

BA = A use authorized under special permit from the Board of Appeals.

PB = A use authorized under special permit from the Planning Board.

P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

| | District | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Principal Uses** | **RRI RRII RVI RVII** | **SFRIII** | **SFRIV** | **GRV** | **NC** | **RB** | **CN** | **CI** | **CII** | **DC** | **B** | **I** | **LI** | **O** | **MBI** |
| 4. Institutional | | | | | | | | | | | | | | | |
| 4.1 Cemetery | Y | Y | Y | N | N | N | **N** | N | N | N | N | N | N | N | N |
| 4.2 Hospital | N | N | N | N | N | N | **N** | N | PB | N | PB | PB | N | N | N |
| a. Medical Marijuana Treatment Facility | N | N | N | N | N | N | **N** | N | N | N | N | PB[3] | N | N | N |
| b. Medical Marijuana Testing Facility | N | N | N | N | N | N | **N** | N | N | N | N | PB[3] | N | N | N |
| 4.3 Charitable institution | N | N | N | PB | PB | N | **Y** | Y | Y | PB | N | N | N | N | Y |
| 4.4 Correctional facility | N | N | N | N | N | N | **N** | N | N | N | N | BA | N | N | N |
| 4.5 Library, museum, art gallery | N | Y | Y | Y | N | N | **Y** | Y | Y | Y | Y | N | N | N | Y |
| 4.6 Lodge, social nonprofit[1] | N | N | N | N | N | N | **Y** | Y | Y | Y | Y | N | N | N | Y |
| 4.7 Public use | Y | Y | Y | Y | Y | Y | **Y** | Y | Y | Y | Y | Y | Y | Y | Y |
| 4.8 Religious or educational use: | | | | | | | | | | | | | | | |
| a. Exempt from zoning prohibition[2] | Y | Y | Y | Y | Y | Y | **Y** | Y | Y | Y | Y | Y | Y | Y | Y |
| b. Dormitories | N | Y | Y | Y | Y | Y | **Y** | Y | Y | Y | Y | N | N | N | N |

NOTES:

1. But not including any use, the principal activity of which is one customarily conducted as a business.

2. See MGL c. 40A, § 3.

3. Medical Marijuana Treatment Facilities and Testing Facilities may be permitted by Planning Board special permit in portions of the Industrial Zone which are in the Marijuana Use Overlay District, see §185-49.

185 Attachment 6
USE REGULATION SCHEDULE
PART V

Symbols in the Use Regulations Schedule shall mean the following:

Y = A permitted use.
N = An excluded or prohibited use.
BA = A use authorized under special permit from the Board of Appeals.
PB = A use authorized under special permit from the Planning Board.
P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

| Principal Uses | District | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **RRI RRII RVI RVII** | **SFRIII** | **SFRIV** | **GRV** | **NC** | **RB** | **CN** | **CI** | **CII** | **DC** | **B** | **I** | **LI** | **O** | **MBI** |
| 5. Recreational | | | | | | | | | | | | | | | |
| 5.1 Indoor commercial amusement, recreation, assembly[1] | | | | | | | | | | | | | | | |
| a. General | N | PB | PB | PB | PB | N | **Y** | Y | Y | PB | Y | N | N | N | PB |
| b. Concentrated[1] | N | N | N | N | N | N | **PB** | PB | Y | PB | Y | N | N | N | N |
| 5.2 Golf course and/or club, public or private | PB | PB | N | N | N | N | **N** | N | N | N | N | N | N | N | N |
| 5.3 Movie theater | N | N | N | N | N | N | **Y** | Y | PB | Y | PB | N | N | N | PB |
| 5.4 Outdoor commercial amusement, recreation | | | | | | | | | | | | | | | |
| a. Light | Y | Y | Y | Y | Y | N | **Y** | Y | Y | Y | Y | Y | N | N | N |
| b. General | PB | PB | PB | PB | N | N | **Y** | Y | Y | N | Y | Y | N | N | N |
| c. Concentrated | N | N | N | N | N | N | **N** | N | PB | N | PB | N | N | N | N |
| 5.5 Equestrian center | BA | BA | N | N | N | N | **N** | N | N | N | N | N | N | N | N |
| 5.6 Public recreation | Y | Y | Y | Y | N | N | **Y** | Y | Y | Y | Y | N | N | N | N |
| 5.7 Automatic amusement device arcades | N | N | N | N | N | N | **N** | N | Y | N | N | N | N | N | N |
| 5.8 Health club | N | N | N | N | N | N | **Y** | Y | Y | Y | Y | Y | N[2] | Y | Y |

NOTES:

1. Provided that the building is so insulated and maintained as to confine noise to the premises and the structure is located not less than 100 feet from a residential district boundary.
2. Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule Part VII, Accessory Uses.

185 Attachment 7
USE REGULATION SCHEDULE
PART VI

Symbols in the Use Regulations Schedule shall mean the following:

Y = A permitted use.

N = An excluded or prohibited use.

BA = A use authorized under special permit from the Board of Appeals.

PB = A use authorized under special permit from the Planning Board.

P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

| | District | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Principal Uses** | **RRI RRII RVI RVII** | **SFRIII** | **SFRIV** | **GRV** | **NC** | **RB** | **CN** | **CI** | **CII** | **DC** | **B** | **I** | **LI** | **O** | **MBI** |
| 6. Residential | | | | | | | | | | | | | | | |
| 6.1 Multifamily or apartment | | | | | | | | | | | | | | | |
| a. With Four or More Housing Units[4] | N[1] | N | N | Y[2,3] | PB[2,8] | N | **Y[2,3]** | Y[2,3] | N | Y[5,6] | N | N | N | PB[7,8] | N |
| b. With Three Housing Units | N | N | PB[2] | Y[2] | Y[2] | N | **Y[2]** | Y[2] | Y | Y | N | N | N | N | N |
| c. As Part of Mixed Use Development | N | N | N | PB[2,3] | PB[2,8] | N | **Y[5,6]** | Y[2,3] | N | Y[5,6] | N | N | N | PB[7,8] | N |
| 6.2 Single-family | Y | Y | Y | Y | Y | Y | **Y** | Y | Y | N | N | N | N | N | N |
| 6.3 Two-family | | | | | | | | | | | | | | | |
| a. New | N | N | Y[2] | Y[2] | Y[2] | N | **Y** | Y | Y | N | N | N | N | N | N |
| b. By conversion | BA | BA | BA | Y | Y | N | **BA** | BA | Y | BA | N | N | N | N | N |

NOTES:

1. Except PB in RVI District per § 185-38, and RVII District per § 185-50.
2. Lot area must be at least 25% greater than that required for a single-family dwelling.
3. No more than one dwelling unit per 2,250 square feet of lot area may be permitted; additional dwelling units may be allowed by Special Permit from the Planning Board.
4. All multifamily developments with 10 or more housing units are required to address the Affordable Housing requirements in § 185-51.
5. All dwelling units shall be located on floors above the street level floor.
6. No more than one dwelling unit per 2,000 square feet of lot area will be permitted; additional dwelling units may be allowed by Special Permit from the Planning Board.
7. All multi-family residential developments require a minimum of 5-acres.
8. No more than one dwelling unit per 3,000 square feet of lot area will be permitted.

185 Attachment 8
USE REGULATION SCHEDULE
PART VII

Symbols in the Use Regulations Schedule shall mean the following:

Y = A permitted use.

N = An excluded or prohibited use.

BA = A use authorized under special permit from the Board of Appeals.

PB = A use authorized under special permit from the Planning Board.

P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

| | District | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Accessory Uses** | **RRI RRII RVI RVII** | **SFRIII** | **SFRIV** | **GRV** | **NC** | **RB** | **CN** | **CI** | **CII** | **DC** | **B** | **I** | **LI** | **O** | **MBI** |
| A1 Boarding | N | Y | Y | Y | Y | N | **Y** | Y | Y | N | N | N | N | N | N |
| A2 Contractor's yard | N | N | N | N | N | N | **N** | N | N | N | Y | Y | N | N | N |
| a. Landscape materials storage and distribution | N | N | N | N | Y[3] | Y[3] | **N** | N | N | N | Y | Y | N | N | N |
| A3 Home occupation (See § 185-39B.) | Y | Y | Y | Y | Y | Y | **Y** | Y | Y | Y | Y | N | N | N | N |
| a. Residential Commercial Kitchens [9] | Y | Y | Y | Y | Y | Y | **Y** | Y | Y | Y | Y | N | N | N | N |
| A5 Off-street parking (See § 185-39C.) | Y | Y | Y | Y | Y | Y | **Y** | Y | Y | Y | Y | Y | Y | Y | Y |
| A6 Professional office, studio (See § 185-39A.) | Y | Y | Y | Y | Y | Y | **Y** | Y | Y | Y | Y | N | Y | Y | Y |
| A7 Restaurant, bar | N | N | N | N | N | N | **Y** | Y | Y | Y | Y | Y | Y | Y | Y |
| A8 Retail sale of nonagricultural products manufactured, warehoused or manufactured, warehoused or distributed on or from premises | N | N | N | N | Y | N | **Y** | Y | Y | Y | Y | Y[2] | N | Y[2] | Y |
| A9 Scientific use in compliance with § 185-37 | BA | BA | BA | BA | BA | N | **BA** | BA | BA | BA | Y | Y | Y | Y | Y |
| A10 Signs (See § 185-20.) | Y | Y | Y | Y | Y | Y | **Y** | Y | Y | Y | Y | Y | Y | Y | Y |
| A11 Single-family dwelling for personnel required for safe operation | Y | Y | Y | Y | Y | N | **Y** | Y | Y | N | Y | Y | Y | Y | N |
| A12 Other customary accessory uses | Y | Y | Y | Y | Y | N | **Y** | Y | Y | Y | Y | Y | Y | Y | Y |
| A13 Other retail sales, services | N | N | N | N | Y | N[4] | **Y** | Y | Y | Y | Y | Y | Y | Y | Y |
| A13.1 Animal grooming | BA | BA | BA | BA | BA | N | **Y** | Y | BA | Y | BA | BA | BA | BA | BA |

| Accessory Uses | District | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **RRI RRII RVI RVII** | **SFRIII** | **SFRIV** | **GRV** | **NC** | **RB** | **CN** | **CI** | **CII** | **DC** | **B** | **I** | **LI** | **O** | **MBI** |
| A14 Operation of not more than 5 automatic amusement devices | N | N | N | N | N | N | **N** | N | Y | Y | Y | Y | N | N | Y |
| A15 Warehouse/distribution facility | N | N | N | N | N | N | **N** | N | Y | N | Y | Y | N | Y | Y |
| A16 Wholesale office, salesroom | | | | | | | | | | | | | | | |
| a. With storage | N | N | N | N | N | N | **Y** | Y | Y | Y | Y | Y | N | Y | Y |
| b. Without storage | N | N | N | N | N | N | **Y** | Y | Y | Y | Y | Y | Y[2] | Y | Y |
| A17 Catering | N | N | PB | PB | PB | N | **Y** | Y | Y | Y | Y | Y | Y | Y | Y |
| A18 Function hall | N | N | PB | PB | PB | N | **Y** | Y | Y | Y | Y | Y | Y | Y | Y |
| A19 Ground-mounted Solar Energy System [5] | | | | | | | | | | | | | | | |
| a. Small-scale | Y | Y | Y | Y | Y | Y | **Y** | Y | Y | Y | Y | Y | Y | Y | **Y** |
| b. Medium-scale [6] | PB | PB | PB | PB | N | PB | **N** | N | PB | N | PB | Y | N | PB | PB |
| A20 Agricultural with Poultry, parcel under 5 acres[7] | Y[5] | Y[5] | Y[5] | Y[5] | Y[5] | Y[5] | **N** | N | N | N | N | N | N | N | N |
| A21 Accessory Dwelling Residential Unit[5] | Y[8] | Y[8] | Y[8] | BA | BA | BA | **BA** | BA | BA | BA | N | N | N | N | N |

NOTES:

1. But N if occupying more than 50% of the floor area occupied by the principal use and not more than five persons employed on the premises in the DC District and CI District and not more than 10 persons in the CII District and O District.
2. Provided that no more than 25% of the total floor space is used for display or retailing.
3. Such uses shall be restricted to seasonal operations only.
4. Accessory retail sales within a Country Store, as defined in §185-3, shall not exceed 50% of the establishment's floor area open to the public.
5. See §185-19, "Accessory buildings and structures".
6. Planning Board Site Plan Review is required of all Medium-scale Ground-mounted Solar Energy Sytems.
7. Any related structure shall be to the rear of the property's primary building, and at least 25 feet from side and rear property lines.
8. A second Accessory Dwelling Unit on the same parcel will require a Special Permit from ZBA.

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:_____, 2025**

**A TRUE RECORD ATTEST:**

**Nancy Danello, CMC**
**Town Clerk**

**VOTED: _____**

**UNANIMOUS: _____**

**YES: _____ NO: _____**

**ABSTAIN: _____ ABSENT: _____**

**RECUSED: _____**

_____
**Glenn Jones, Clerk**
**Franklin Town Council**

# TOWN OF FRANKLIN
# ZONING BY LAW AMENDMENT 25-932

## THE CROSSING NEIGHBORHOOD ZONING DISTRICT

## A ZONING BY-LAW AMENDMENT TO THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 185, SCHEDULE OF LOT, AREA, FRONTAGE, YARD AND HEIGHT REQUIREMENTS

---

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT**:
Chapter 185 of the Code of the Town of Franklin is hereby amended by the following **additions** to §185, Attachment 9 Schedule of Lot, Area, Frontage, Yard and Height Requirements:

## 185 Attachment 9

**Schedule of Lot, Area, Frontage, Yard and Height Requirements**

| District | Minimum Lot Dimensions | | | | Minimum Yard Dimensions | | | Maximum Height of Building | | Maximum Impervious Coverage of Existing Upland | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Area (square feet) | Continuous Frontage (feet) | Depth (feet) | Lot Width (minimum circle diameter) | Front (feet) | Side (feet) | Rear (feet) | Stories | Feet | Structures | Structures Plus Paving [3] |
| Rural Residential I | 40,000 | 200 | 200 | 180[4] | 40 | 40 | 40 | 3 | 35 | 20 | 25 |
| Residential VI | 40,000 | 200 | 200 | 180[4] | 40 | 40 | 40 | 3 | 35 | 20 | 25 |
| Residential VII[11] | 40,000 | 200 | 200 | 180[4] | 40 | 40 | 40 | 3 | 35 | 20 [12] | 25 [12] |
| Rural Residential II | 30,000 | 150 | 200 | 135[4] | 40 | 35 | 35 | 3 | 35 | 20 | 25 |
| Single Family Residential III | 20,000 | 125 | 160 | 112.5 | 40 | 25 | 30 | 3 | 35 | 25 | 35 |
| Single Family Residential IV | 15,000 | 100 | 100 | 90 | 30 | 20 | 20 | 3 | 35 | 30 | 35 |
| General Residential V | 10,000 | 100 | 100 | 90 | 20 | 15 | 20 | 3 | 40 | 45 | 55 |
| Neighborhood Commercial | 18,000 | 100 | 100 | 90 | 20 | 30 | 40 | 3 | 35 | 30 | 35 |
| Rural Business[13] | 40,000 | 200 | 200 | 180 | 40 | 30 | 40 | 1.5 | 30 | 10 | 30 |
| Downtown Commercial | 5,000 | 50 | 50 | 45 | 5[10] | 0[2] | 15 | 3[9] | 40[9] | 80 | 90 |
| **Crossing Neighborhood[7]** | **5,000** | **50** | **50** | **45** | **5[10]** | **0[2]** | **15** | **3** | **40** | **80** | **90** |
| Commercial I[7] | 5,000 | 50 | 50 | 45 | 20[1] | 10[14] | 15 | 3[15] | 40[15] | 80 | 90 |
| Commercial II | 40,000 | 175 | 200 | 157.5 | 40 | 30 | 30 | 3[15] | 40[15] | 70 | 80 |
| Business | 20,000 | 125 | 160 | 112.5 | 40 | 20 | 30 | 3[15] | 40[15] | 70 | 80 |
| Mixed Business Innovation | 40,000 | 175 | 200 | 157.5 | 40 | 30[5] | 30[5] | 3[15] | 40[15] | 70 | 80 |
| Industrial | 40,000 | 175 | 200 | 157.5 | 40 | 30[5] | 30[5] | 3[6] | - | 70 | 80 |
| Limited Industrial | 40,000 | 175 | 200 | 157.5 | 40 | 30[8] | 30[8] | 3[6] | 40[6] | 70 | 80 |
| Office | 40,000 | 100 | 100 | 90 | 20 | 30[5] | 30[5] | 3[6] | 40[6] | 70 | 80 |

Setbacks: No structure or pole carrying overhead wires shall be put up within 60 feet nor shall a billboard be erected within 100 feet of right-of-way which is 75 feet or more.

NOTES:

[1] But no new structure shall be required to provide a deeper yard than that existing on that parcel upon adoption of this amendment.

[2] Increase to 20 feet when abutting a residential district.

[3] See definition of Upland §185-3, §185-36. Impervious Surfaces and §185-40. Water Resource District.

[4] Within open space developments (see § 185-43), the lot width must be met for individual lots shall be no less than 1/2 those required within the underlying district.

[5] Increase by the common building height of the structure, when abutting a residential use.

[6] Buildings up to 60 feet in height may be permitted by a special permit from the Planning Board.

[7] Permitted residential uses must observe requirements of General Residential V District for residential use building only. Multifamily residential with three housing units, and mixed-use buildings are exempt from this

[8] Increase by 1.5 the common building height of a structure, when abutting a residential district or use.

[9] Buildings up to 50 feet in height may be permitted by a special permit from the Planning Board provided the structure is set back at least 15 feet from frontage.

[10] Minimum 5' setback required on first floor, street level; upper floors can overhang required first floor set back.

[11] See §185-50.

[12] Total impervious surface in the upland shall be no more than 50% if a special permit for multiple, single-family dwelling units is granted in RVII.

[13] Maximum gross building footprint of non-residential primary use structures is 3,500 square feet.

[14] The10 feet side setback is only required on one side of lot; if lot abuts a residential district, a twenty feet setback is required on the abutting side.

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:_____, 2025**

**A TRUE RECORD ATTEST:**

**Nancy Danello, CMC**
**Town Clerk**

**VOTED: _____**

**UNANIMOUS: _____**

**YES: _____ NO: _____**

**ABSTAIN: _____ ABSENT: _____**

**RECUSED: _____**

_____
**Glenn Jones, Clerk**
**Franklin Town Council**

# TOWN OF FRANKLIN
# ZONING BY LAW AMENDMENT 25-933

## CROSSING NEIGHBORHOOD ZONING DISTRICT

## A ZONING BY-LAW AMENDMENT TO THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 185, SECTION 21, PARKING, LOADING AND DRIVEWAY REQUIREMENTS

---

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT**:
Chapter 185 of the Code of the Town of Franklin is hereby amended by the following ~~**deletions**~~ and **<u>additions</u>** to §185-21. Parking, Loading and Driveway Requirements, Sub-section B:

B. Parking schedule. The number of parking spaces required for a particular use shall be as follows:

(1) In the Downtown Commercial Zoning District:
- (a) Residential dwelling units: one parking space~~s~~ per residential unit in a mixed use development.
- (b) Non-residential uses are exempt from this section (§185-21.B).

(2) In the Commercial I Zoning District:
- (a) Residential dwelling units: 1.5 parking spaces per residential unit.
- (b) Non-residential uses: one space per 500 square feet of gross floor area.

**<u>(3) In the Crossing Neighborhood Zoning District:</u>**
- **(a) <u>Residential dwelling units: 1 parking spaces per residential unit.</u>**
- **(b) <u>Non-residential uses: one space per 500 square feet of gross floor area.</u>**

(~~3~~ **<u>4</u>**) All Other Zoning Districts:
- (a) Residential buildings:
  - i. Dwelling units, regardless of the number of bedrooms: two spaces.
  - ii. Guest houses, lodging houses and other group accommodations: one space per guest unit.
  - iii. Hotels and motels: 1 1/8 spaces per guest unit.
- (b) Nonresidential buildings: (Gross floor area is measured to the outside of the building, with no deductions for hallways, stairs, closets, thickness of walls, columns or other features.)
  - i. Industrial buildings: except warehouses: one space per 400 square feet of gross floor area.
  - ii. Retailing, medical, legal and real estate offices: one space per 200 square feet of gross floor area, plus one space per separate enterprise.
  - iii. Other offices and banks: one space per 250 square feet of gross floor area.
  - iv. Restaurants, theaters and assembly halls:
    - a) One space per 2.5 fixed seats.
    - b) One space per 60 square feet of gross floor area, if seats are not fixed.
  - v. Recreation facilities: 0.8 space per occupant at design capacity.
  - vi. Warehouses: one space per 1,000 square feet of gross floor area.

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

---

**DATED:_____, 2025**

**A TRUE RECORD ATTEST:**

**Nancy Danello, CMC**
**Town Clerk**

**VOTED: _____**

**UNANIMOUS: _____**

**YES: _____ NO: _____**

**ABSTAIN: _____ ABSENT: _____**

**RECUSED: _____**

_____
**Glenn Jones, Clerk**
**Franklin Town Council**

# TOWN OF FRANKLIN
# ZONING BY LAW AMENDMENT 25-934

## CROSSING NEIGHBORHOOD ZONING DISTRICT

## A ZONING BY-LAW AMENDMENT TO THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 185, SECTIONS 3, 4, 20, AND 31

---

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

Chapter 185 of the Code of the Town of Franklin is hereby amended by **additions** at §185-3 Definitions, as follows:

> Downtown Commercial Sign District – All properties in the Downtown Commercial Zoning District **and Crossing Neighborhood Zoning District**.

Chapter 185 of the Code of the Town of Franklin is hereby amended by **additions** at §185-4.A Districts Enumerated, as follows:

> **Crossing Neighborhood Zoning District (CN)**

And Chapter 185 of the Code of the Town of Franklin is hereby amended by **additions** at §185-20 Signs, as follows:

> B. Applicability
>
> (3) This bylaw establishes four separate sign districts with different regulations within each district (See Attachment 10, Schedule of Permitted Signs per Sign District). These districts are delineated on the map entitled Town of Franklin Sign Districts and created under 185-4, Districts enumerated.
>
> **(a)** The Downtown Commercial District (hereafter DCD) consists of parcels within the Downtown Commercial, Rural Business Zoning Districts **and Crossing Neighborhood District.**
>
> (b) The Commercial and Business Corridor District (hereafter CBCD) consists of parcels within the Commercial I, Commercial II, Business, Mixed Business Innovation, and Limited Industrial Zoning Districts.

And Chapter 185 of the Code of the Town of Franklin is hereby amended by **additions** at §185-31 Site Plan and Design Review, as follows:

> **2.** Design Review Commission, Site Plans, facades, landscape and lighting
>
> B. Design Review Commission Review Requirements.
>
> (1) Applicants must file with Design Review Commission for any external use of land, building, structure or project that requires site plan review or limited site plan review and/or a building permit and is at least one of the following, except for single and two-family dwellings:
>
> - Within Commercial I, Commercial II, or Business Zoning Districts, Downtown Commercial, Office, **and Crossing Neighborhood**.

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:_____, 2025**

**A TRUE RECORD ATTEST:**

**Nancy Danello, CMC**
**Town Clerk**

**VOTED: _____**

**UNANIMOUS: _____**

**YES: _____ NO: _____**

**ABSTAIN: _____ ABSENT: _____**

**RECUSED: _____**

_____
**Glenn Jones, Clerk**
**Franklin Town Council**

TOWN ADMINISTRATOR
TOWN of FRANKLIN

# MEMORANDUM

July 18, 2025

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

**RE:** **Zoning Bylaw Amendment 25-938:** Residential Commercial Kitchens - Definition
**Zoning Bylaw Amendment 25-939:** Residential Commercial Kitchens - Use Regulations Schedule
**Bylaw Amendment 25-940:** Amendment to Municipal Service Fees, Residential Commercial Kitchen

---

We are asking the Town Council to refer Zoning Bylaw Amendments 25-938 and 25-939 to the Planning Board and to move Bylaw Amendment 25-940 to a second reading.

The Department of Planning & Community Development (DPCD) has drafted two Zoning Bylaw Amendments related to Residential Commercial Kitchens: one to add a definition for Residential Commercial Kitchen to the Town's Zoning Bylaw (25-938), and one to add the Shared Use Commercial Kitchen to the Use Regulation Schedule (25-939).

These two zoning bylaw amendments will:

- Enable eligible residential units to be permitted for preparation of certain allowed foods in their residential kitchen for commercial use.
- Apply only to residential units, which are NOT on public sewer. This represents approximately 30% of the community parcels which would be eligible.
- Allow permits to be granted for operations that conform with state sanitary code, which does limit home occupation to certain foods and goods. Not all food preparation or cooking can take place.

Note, residential units that are on public sewer are prohibited from obtaining a permit.

In addition to Zoning Bylaw Amendments 25-938 and 25-939,, we are proposing Bylaw Amendment 25-940, to amend Town Code at Section 82-6, Schedule of Service Fees, by adding a new service fee

for Residential Commercial Kitchen. The proposed fee of $100 is recommended by Health Director Cathleen Liberty, and is commensurate with similar fees in the fee schedule.

At their May 21, 2025 meeting, the EDC voted unanimously to recommend all three bylaw amendments to the Town Council for consideration.

More information is provided in the May 14, 2025 dated memo from Town Planner Amy Love as well as the two proposed bylaw amendments, which are included in the agenda packet for the July 23rd Town Council meeting.

Please let us know if you have any questions.

PLANNING &
COMMUNITY DEVELOPMENT
TOWN of FRANKLIN

# MEMORANDUM

TO: MELANIE HAMBLEN, CHAIR, ECONOMIC DEVELOPMENT SUBCOMMITTEE

FROM: AMY LOVE, TOWN PLANNER

RE: RESIDENTIAL COMMERCIAL KITCHENS

CC: JAMIE HELLEN, TOWN ADMINISTRATOR BRYAN W. TABERNER, AICP, DIRECTOR, MARK G. CEREL, TOWN ATTORNEY; GUS BROWN, ZONING ENFORCEMENT OFFICER

DATE: MAY 14, 2025

---

As requested, the Department of Planning & Community Development (DPCD) has developed draft Zoning Bylaw Amendments related to Residential commercial kitchens. Two amendments were needed, one to define the use, and another to add the use to the use regulation schedule.

There are a variety of uses for Residential commercial kitchen allowing residential homes to prepare food for retail sales off the premises. The use of Residential commercial kitchen are only allowed in units with a private septic system. Those with public sewer (Town) are prohibited from Residential Commercial Kitchen use.

**Recommended Zoning Bylaw Amendments**. The following Zoning Bylaw amendments are attached for consideration:

*Zoning Bylaw Amendment 25-9X1, Changes to §185-3. Definitions, Residential Commercial Kitchen,* adds a definition for Residential Commercial Kitchen to the Town's Zoning Bylaw.
*Zoning Bylaw Amendment 25-9X2, Changes to §185 Attachment 3. Shared-use Commercial Kitchen*, adds the Shared-use Commercial Kitchen use to the Use Regulation Schedule.

If the Economic Development Committee supports the attached Zoning Bylaw Amendments, I request the Amendments be sent to the full Town Council for further consideration. Please let me know if you have questions or require additional information.

# TOWN OF FRANKLIN

# ZONING BYLAW AMENDMENT 25-938
# CHANGES TO §185-3. DEFINITIONS

## RESIDENTIAL COMMERCIAL KITCHEN DEFINITION

## A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 3 OF THE CODE OF THE TOWN OF FRANKLIN

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:**
Chapter 185 of the Code of the Town of Franklin is hereby amended at section §185-3 Definitions by **adding** the following text in proper alphabetical order:

**RESIDENTIAL COMMERCIAL KITCHEN - A Residential Commercial Kitchen space primarily for preparing, cooking, and producing food for off premises consumption and/or sales. The Residential Commercial Kitchens is an allowed use in the unit if serviced by an on-site subsurface sewage disposal system (Septic Tank); connection to public sewer (Town) is prohibited.**

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:_____, 2025**

**VOTED: _____**

**UNANIMOUS: _____**

**A TRUE RECORD ATTEST:**

**YES: _____ NO: _____**

**ABSTAIN: _____ ABSENT: _____**

**RECUSED: _____**

**Nancy Danello, CMC**
**Town Clerk**

_____
**Glenn Jones, Clerk**
**Franklin Town Council**

# TOWN OF FRANKLIN
# BYLAW AMENDMENT 25-939

## A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT CHAPTER 185, ATTACHMENT 8, USE REGULATIONS SCHEDULE PART VII: ACCESSORY USES

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

Chapter 185 of the Code of the Town of Franklin is hereby amended by the following **additions** to §185, Attachment 8, Use Regulation Schedule Part VII, Accessory Uses:

---

185 Attachment 8
USE REGULATION SCHEDULE
PART VII

Symbols in the Use Regulations Schedule shall mean the following:
Y = A permitted use. N = An excluded or prohibited use.
BA = A use authorized under special permit from the Board of Appeals.
PB = A use authorized under special permit from the Planning Board.
P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

| | District | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Accessory Uses** | **RRI RRII RVI RVII** | **SFRIII** | **SFRIV** | **GRV** | **NC** | **RB** | **CI** | **CII** | **DC** | **B** | **I** | **LI** | **O** | **MBI** |
| A1 Boarding | N | Y | Y | Y | Y | N | Y | Y | N | N | N | N | N | N |
| A2 Contractor's yard | N | N | N | N | N | N | N | N | N | Y | Y | N | N | N |
| a. Landscape materials storage and distribution | N | N | N | N | Y[3] | Y[3] | N | N | N | Y | Y | N | N | N |
| A3 Home occupation (See § 185-39B.) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | N | N | N |
| **a. Residential Commercial Kitchens [9]** | **Y** | **Y** | **Y** | **Y** | **Y** | **Y** | **Y** | **Y** | **Y** | **Y** | **N** | **N** | **N** | **N** |
| A4 Manufacture, assembly, packing of goods sold on premises | N | N | N | N | Y[1] | N | Y[1] | Y[1] | Y [1] | Y | Y | N | Y[1] | Y |
| A5 Off-street parking (See § 185-39C.) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| A6 Professional office, studio (See § 185-39A.) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | Y | Y | Y |
| A7 Restaurant, bar | N | N | N | N | N | N | Y | Y | Y | Y | Y | Y | Y | Y |
| A8 Retail sale of nonagricultural products manufactured, warehoused or manufactured, warehoused or distributed on or from premises | N | N | N | N | Y | N | Y | Y | Y | Y | Y[2] | N | Y[2] | Y |
| A9 Scientific use in compliance with § 185-37 | BA | BA | BA | BA | BA | N | BA | BA | BA | Y | Y | Y | Y | Y |
| A10 Signs (See § 185-20.) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| A11 Single-family dwelling for personnel required for safe operation | Y | Y | Y | Y | Y | N | Y | Y | N | Y | Y | Y | Y | N |
| A12 Other customary accessory uses | Y | Y | Y | Y | Y | N | Y | Y | Y | Y | Y | Y | Y | Y |
| A13 Other retail sales, services | N | N | N | N | Y | N[4] | Y | Y | Y | Y | Y | Y | Y | Y |
| A13.1 Animal grooming | BA | BA | BA | BA | BA | N | Y | BA | Y | BA | BA | BA | BA | BA |
| A14 Operation of not more than 5 automatic amusement devices | N | N | N | N | N | N | N | Y | Y | Y | Y | N | N | Y |
| A15 Warehouse/distribution facility | N | N | N | N | N | N | N | Y | N | Y | Y | N | Y | Y |
| A16 Wholesale office, salesroom | | | | | | | | | | | | | | |
| a. With storage | N | N | N | N | N | N | Y | Y | Y | Y | Y | N | Y | Y |
| b. Without storage | N | N | N | N | N | N | Y | Y | Y | Y | Y | Y[2] | Y | Y |
| A17 Catering | N | N | PB | PB | PB | N | Y | Y | Y | Y | Y | Y | Y | Y |
| A18 Function hall | N | N | PB | PB | PB | N | Y | Y | Y | Y | Y | Y | Y | Y |
| A19 Ground-mounted Solar Energy System [5] | | | | | | | | | | | | | | |
| a. Small-scale | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | **Y** |
| b. Medium-scale [6] | PB | PB | PB | PB | N | PB | N | PB | N | PB | Y | N | PB | PB |
| A20 Agricultural with Poultry, parcel under 5 acres [7] | Y[5] | Y[5] | Y[5] | Y[5] | Y[5] | Y[5] | N | N | N | N | N | N | N | N |
| A21 Accessory Dwelling Residential Unit[5] | Y[8] | Y[8] | Y[8] | BA | BA | BA | BA | BA | BA | N | N | N | N | N |

NOTES:
1. But N if occupying more than 50% of the floor area occupied by the principal use and not more than five persons employed on the premises in the DC District and CI District and not more than 10 persons in the CII District and O District.
2. Provided that no more than 25% of the total floor space is used for display or retailing.
3. Such uses shall be restricted to seasonal operations only.
4. Accessory retail sales within a Country Store, as defined in §185-3, shall not exceed 50% of the establishment's floor area open to the public.
5. See §185-19, "Accessory buildings and structures".
6. Planning Board Site Plan Review is required of all Medium-scale Ground-mounted Solar Energy Sytems.
7. Any related structure shall be to the rear of the property's primary building, and at least 25 feet from side and rear property lines.
8. A second Accessory Dwelling Unit on the same parcel will require a Special Permit from ZBA.
**9. See limitation of the definition in 185 Section 3**

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:_____, 2025**

**A TRUE RECORD ATTEST:**

**Nancy Danello, CMC**
**Town Clerk**

**VOTED: _____**

**UNANIMOUS: _____**

**YES: _____ NO: _____**

**ABSTAIN: _____ ABSENT: _____**

**RECUSED: _____**

_____
**Glenn Jones, Clerk**
**Franklin Town Council**

# TOWN OF FRANKLIN
# BYLAW AMENDMENT 25-940

## AMENDMENT TO MUNICIPAL SERVICE FEES
## RESIDENTIAL COMMERCIAL KITCHEN

**A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 82, FEES, MUNICIPAL SERVICE, BY ADDING A NEW SERVICE FEE: RESIDENTIAL COMMERCIAL KITCHEN**

---

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL** that Chapter 82 of the Code of the Town of Franklin is amended at Section 82-6 Schedule of Service Fees, Subsection G. Health, by inserting, in appropriate alphabetical order, a new service fee as set out below:

§ 82-6. Schedule of service fees.

G. Health

| **Service Fee** | **Rate** |
|---|---|
| Residential Commercial Kitchen | $100.00 |

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

---

**DATED:_____, 2025**

**VOTED: _____**

**UNANIMOUS: _____**

**A TRUE RECORD ATTEST:**

**YES: _____ NO: _____**

**ABSTAIN: _____ ABSENT: _____**

**RECUSED: _____**

**Nancy Danello, CMC**
**Town Clerk**

_____
**Glenn Jones, Clerk**
**Franklin Town Council**

TOWN
ADMINISTRATOR
TOWN of FRANKLIN

# MEMORANDUM

July 18, 2025

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

**RE:** **Bylaw Amendment 25-936 & 25-937:** Electric Vehicle Charging Stations

---

We are asking the Town Council to approve Bylaw Amendments 25-936 & 25-937. Both bylaw amendments relate to Electric Vehicle Charging Stations as described below:

**Bylaw Amendment 25-936:** Proposes to add a new subsection G. Electric Vehicle Charging Station Revolving Fund as a new Authorized Revolving Fund under Chapter 73, Section 73-5 of Franklin Town Code.

**Bylaw Amendment 25-937:** Proposes to amend Franklin Town Code at Chapter 82, Section 82-6, Schedule of Service, Subsection A. Administration by adding a fee of 35 cents per kWh for Electric Vehicle Charging Stations.

At their June 4th meeting, the Town Council voted unanimously to move both bylaws to a second reading. The legal advertisement for the second reading and final vote of both bylaws is included in the agenda packet for the July 23rd Town Council meeting.

Please let us know if you have any questions.

TOWN
ADMINISTRATOR
TOWN of FRANKLIN

**LEGAL NOTICE**
**FRANKLIN, MA**

The Franklin Town Council will hold a second reading and final vote on the adoption of two Town Code Bylaw Amendments summarized as follows:

**Bylaw Amendment 25-936:** Proposes to add a new subsection G. Electric Vehicle Charging Station Revolving Fund as a new Authorized Revolving Fund under Chapter 73, Section 73-5 of Franklin Town Code.

**Bylaw Amendment 25-937:** Proposes to amend Franklin Town Code at Chapter 82, Section 82-6, Schedule of Service, Subsection A. Administration by adding a fee of 35 cents per kWh for Electric Vehicle Charging Stations.

The second reading and final votes on adoption of both of these bylaw amendments will take place during the Town Council Public Meeting beginning at 6:00 pm on July 23, 2025; there will be an opportunity for public input during the process. Location: Municipal Building, 2nd Floor Council Chambers, 355 E. Central Street, Franklin, and also via the "ZOOM" platform. Residents can visit the Town website (Franklinma.gov) town calendar to review the agenda including full text of proposed bylaw amendments, and for up to date meeting information, on and after July 18, 2025. Please call the Town Administrator's Office at (508) 520-4949 if you require further information or to make arrangements for translation services.

Respectfully Submitted by,
Julie McCann

# TOWN OF FRANKLIN
# BY LAW AMENDMENT 25-936

## AMENDMENT TO DEPARTMENTAL REVOLVING FUND

## A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 73, DEPARTMENTAL REVOLVING FUNDS, BY ADDING A NEW AUTHORIZED REVOLVING FUND: ELECTRIC VEHICLE CHARGING STATION REVOLVING FUND

---

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL** the Chapter that Chapter 73 of the Code of the Town of Franklin is amended at Section 73-5 Authorized Revolving Funds, to add a new Subsection G, Electric Vehicle Charging Station Revolving Fund, by adding the following language as set out below:

**G. Charging Station Revolving Fund.**

**(1) Fund name. T**here shall be a separate revolving fund called the "Electric Vehicle Charging Station Revolving Fund" for the use of the Public Facilities Department.

**(2) Revenues.** The Comptroller shall establish the Electric Vehicle Charging Station Revolving Fund as a separate account and credit to the fund all revenues generated from the imposition of fees for the use of Town and School charging stations to defray the costs of utilities, maintenance and other associated expenses of said charging stations.

**(3) Purposes and expenditures.** During each fiscal year the Public Facilities Director may incur liabilities against and spend monies from the Electric Vehicle Charging Station Revolving Fund for costs related to the charging stations.

**(4) Fiscal years.** The Electric Vehicle Charging Station Revolving Fund shall operate for fiscal years that begin on or after July 1, 2025.

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

---

**DATED:_____, 2025**

**VOTED: _____**

**UNANIMOUS: _____**

**A TRUE RECORD ATTEST:**

**YES: _____ NO: _____**

**ABSTAIN: _____ ABSENT: _____**

**RECUSED: _____**

**Nancy Danello, CMC**
**Town Clerk**

_____
**Glenn Jones, Clerk**
**Franklin Town Council**

# TOWN OF FRANKLIN
# BY LAW AMENDMENT 25-937

## AMENDMENT TO MUNICIPAL SERVICE FEES
## VEHICLE CHARGING STATIONS

## A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 82, FEES, MUNICIPAL SERVICE, BY ADDING A NEW SERVICE FEE: ELECTRIC VEHICLE CHARGING STATIONS

---

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL** that Chapter 82 of the Code of the Town of Franklin is amended at Section 82-6 Schedule of Service Fees, Subsection A. Administration, by adding to the existing language a new fee, Electric Vehicle Charging Stations, as set out below:

§ 82-6. Schedule of service fees.
A: Administration

| **Service Fee** | **Rate** |
|---|---|
| Electric Vehicle Charging Stations | $.35 per kwh |

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

---

**DATED:_____, 2025**

**VOTED: _____**

**UNANIMOUS: _____**

**A TRUE RECORD ATTEST:**

**YES: _____ NO: _____**

**ABSTAIN: _____ ABSENT: _____**

**RECUSED: _____**

**Nancy Danello, CMC**
**Town Clerk**

_____
**Glenn Jones, Clerk**
**Franklin Town Council**

TOWN ADMINISTRATOR
TOWN of FRANKLIN

# MEMORANDUM

Date: July 18, 2025

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

**Re:** **Resolution 25-51:** Gift Acceptance - Senior Center, Veterans Services Dept., Fire Dept., Police Dept., & Recreation Dept.

---

The Franklin Senior Center, Veterans' Services Department, Franklin Fire Department, Franklin Police Department, and Franklin Recreation Department have received generous donations in the total amount of $4,071, as well as an AED.

The donations totaling $1,646 for the Senior Center will be used at the discretion of the Senior Center to provide services and programs to senior citizens in the Franklin community.

The donations totaling $400 for the Veterans' Services Department will be applied toward the Veterans' Gift Fund and the Franklin Municipal Veterans' Assistance Fund to be used at the Department's discretion in support of local Veterans and their families.

The donations totaling $1,025 for the Fire Department will be used at the Department's discretion towards the purchase of safety and other related equipment and to fund departmental programs.

The donation to the Police Department in the amount of $1,000 will be applied at the Department's discretion in support of community policing programs, assisting with training needs and the purchase of essential equipment for the officers.

The Recreation Dept. has received a generous donation in the form of an AED which will be used to help support the Recreation Department's Summer Camp.

We would like to thank everyone for their continued support of our local services.

**Donation Summary:**

- **Senior Center - $1,646**
  - Joseph Evans $1,000
  - Robert Kaufman $ 300
  - Scratcher Club $ 160
  - Jane Manton $ 100
  - Anonymous $ 86

    $1,646

- **Veterans' Services Department - $400**
  - **Gift Fund - $150**
    i. Kathy and Brian Durand $ 100
    ii. Richard and Cynthia Douglas $ 50
  - **Municipal Veterans' Assistance Fund - $250**
    i. Robert Avakian $ 150
    ii. Frank Duggan $ 100

- **Fire Department - $1,025**
  - Fidelity Charitable $ 1,000
  - Carol Patete $ 25

- **Police Department - $1,000**
  - Mr. & Mrs. Quick $ 1,000

- **Recreation Department**
  - Sarah Cavanaugh 1 AED

**DONATION TOTAL $4,071**

# TOWN OF FRANKLIN
# RESOLUTION 25-51

## ACCEPTANCE OF GIFTS - SENIOR CENTER, VETERANS' SERVICES DEPARTMENT, FIRE DEPARTMENT, POLICE DEPARTMENT & RECREATION DEPARTMENT

---

**WHEREAS,** The Franklin Senior Center, Veterans' Services Department, Franklin Fire Department, Franklin Police Department, and Franklin Recreation Department have received generous donations in the total amount of $4,071 and one AED to be used at the discretion of each Department as follows:

**SENIOR CENTER - $1,646**

Donations to be applied at the discretion of the Senior Center, through the Council on Aging Gift Fund, to provide services and programs to senior citizens in the Franklin community.

**VETERANS' SERVICES DEPARTMENT - $400**

**Municipal Veterans' Assistance Fund - $250**

**Veterans' Gift Fund - $150**

Donations to be applied at the discretion of the Veterans' Services Department, through the Municipal Veterans' Assistance Fund and the Veterans' Gift Fund, in support of local veterans and their families.

**FIRE DEPARTMENT - $1,025**

Donations will be used at the Department's discretion towards the purchase of safety and other related equipment and to fund departmental programs.

**POLICE DEPARTMENT - $1,000**

Donation to be applied at the discretion of the Department, through the Police Gift Account, toward the support of community policing programs, assisting with training needs and the purchase of essential equipment for officers.

**RECREATION DEPARTMENT - AED**

Donation to be used for the Recreation Department's Summer Camp.

Donor information is included in the July 23, 2025 Town Council meeting agenda packet.

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

The Town Council of the Town of Franklin on behalf of the Franklin Senior Center, Veterans' Services Department, Franklin Fire Department, Franklin Police Department, and Franklin Recreation Department

gratefully accepts these generous donations to be used at the discretion of each of the Departments for the purposes noted above.

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

---

**DATED: _____ , 2025**

**A TRUE RECORD ATTEST:**

**Nancy Danello, CMC**
**Town Clerk**

**VOTED: _____**

**UNANIMOUS: _____**

**YES: _____ NO: _____**

**ABSTAIN:_____ ABSENT: _____**

**RECUSED: _____**

_____
**Glenn Jones, Clerk**
**Franklin Town Council**