



FRANKLIN TOWN COUNCIL

October 19, 2016

7:00 PM

A. APPROVAL OF MINUTES - October 5, 2016

B. ANNOUNCEMENTS – This meeting is being recorded by Franklin TV and shown on Comcast channel 11 and Verizon channel 29. This meeting may also be recorded by others.

C. PROCLAMATIONS/RECOGNITIONS

D. CITIZEN COMMENTS – Citizens are welcome to express their views for up to five minutes on a matter that is not on the Agenda. The Council will not engage in a dialogue or comment on a matter raised during Citizen Comments. The Town Council will give remarks appropriate consideration and may ask the Town Administrator to review the matter.

E. APPOINTMENTS

F. HEARINGS - Public Hearing – 7:10 PM

1. Rural Business Zoning Bylaws (16-768, 16-769, 16-770, 16-771, 16-772, 16-773)

G. LICENSE TRANSACTIONS

H. PRESENTATIONS/DISCUSSIONS

1. Veteran's Officer Presentation
2. R7 Zoning Presentation/Discussion

I. SUBCOMMITTEE REPORTS

J. LEGISLATION FOR ACTION

1. Resolution 16-59: Authorization for Disposition (Sale of Town Owned Land on Grove Street, "Lot 2" former Nu Style Property) – (2/3 vote (6))
2. Resolution 16-60: Acceptance of Private Road Covenant off Garnet Drive – **majority vote**
3. Resolution 16-62: Local Acceptance of G.L. Ch. 60, Section 3F. Municipal Veterans' Assistance fund – **majority vote**
4. Resolution 16-63: Daily Drive: Declaration of Surplus and Authorization to sell small unimproved parcel off Dailey Drive – (2/3 vote (6))
5. Resolution 16-64: Acceptance of Gift to the Franklin Police Department – **majority vote**
6. Resolution 16-65: Acceptance of Gift to the Franklin Police Department – **majority vote**
7. Resolution 16-66: Opposition to Passage of Ballot Question #4
8. Bylaw Amendment 16-774: New Plastic Checkout Bag Prohibition Bylaw – **1st Reading (Motion to Move Bylaw Amendment 16-774 to a 2nd Reading – majority vote)**
9. Zoning Bylaw Amendment 16-768: Districts Enumerated. Creation of Rural Business Zoning District – **1st Reading (Motion to Move Zoning Bylaw Amendment 16-768 to a 2nd Reading – majority vote)**
10. Zoning Bylaw Amendment 16-769: Definitions. Country Store – **1st Reading (Motion to Move Zoning Bylaw Amendment 16-769 to a 2nd Reading – majority vote)**
11. Zoning Bylaw Amendment 16-770: Rural Business Zone Use Regulations – **1st Reading (Motion to Move Zoning Bylaw Amendment 16-770 to a 2nd Reading – majority vote)**

12. *Zoning Bylaw Amendment 16-771: Rural Business Zone Dimensional Regulations – 1st Reading (Motion to Move Zoning Bylaw Amendment 16-771 to a 2nd Reading – majority vote)*
13. *Zoning Bylaw Amendment 16-772: Rural Business Zone Sign Regulations – 1st Reading (Motion to Move Zoning Bylaw Amendment 16-772 to a 2nd Reading – majority vote)*
14. *Zoning Bylaw Amendment 16-773: Zoning Map Changes from Rural Residential 1 to Rural Business an Area on Washington Street – 1st Reading (Motion to Move Zoning Bylaw Amendment 16-773 to a 2nd Reading – majority vote)*

K. TOWN ADMINISTRATOR’S REPORT

L. FUTURE AGENDA ITEMS

M. COUNCIL COMMENTS

N. EXECUTIVE SESSION

O. ADJOURN

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
October 5, 2016**

A meeting of the Town Council was held on Wednesday, October 5, 2016 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Glenn Jones, Matthew Kelly, Thomas Mercer, Peter Padula, Deborah Pellegrini, Judith Pond Pfeffer, Robert Vallee. Councilors absent: None. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Jamie Hellen, Deputy Town Administrator; Mark Cerel, Town Attorney.

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

APPROVAL OF MINUTES: *September 21, 2016.* MOTION to Approve the September 21, 2016 meeting minutes by Dellorco. SECOND by Mercer. No Discussion. ► VOTE: Yes-9, No-0, Absent-0.

ANNOUNCEMENTS: ► Chairman Kelly announced the meeting is being recorded by *Franklin TV* and available for viewing on Comcast Channel 11 and Verizon Channel 29. This meeting may also be recorded by others.

PROCLAMATIONS/RECOGNITIONS: *None.*

CITIZEN COMMENTS: ► Mr. Michael Swetz, Jr., 3 Kara-Lyn Drive, and resident for 21-plus years, discussed resident solar panel energy generation. It offers great opportunities for energy challenges in the nation. However, the installation and placement must be managed carefully for safety and the preservation of the community. He focused on a 40-solar panel ground-based installation at 42 Prospect Street. He stated it is positioned under a zoning ordinance that is an auxiliary building which is basically a garden shed. Right now a ground-based installation of solar panels can be put in a residential backyard as a garden shed which limits the controls on the environment, such as there are no screening and safety requirements. Solar panels do have some safety and security risks. He asked the Town Council and other government officials to support some solar panel limitations and new zoning regulations on such installations in residential sites possibly to limit the quantities of solar panels, require setbacks from abutters and streets, and provide safety measures to protect children and people from being close to the panels and possibly get electrocuted. ► Chairman Kelly noted that the Town Council received an email from Mr. Swetz today.

APPOINTMENTS: *Election Workers.* ► Ms. Pfeffer read the appointment. MOTION to Ratify the appointment by the Town Administrator of Election Workers Faye Caribardi, Diane Lowd, Corine Minkle, Casey Bekkum, and Gloria Rossi, with a term to expire on June 30, 2017 by Pfeffer. SECOND by Mercer. No Discussion. VOTE: Yes-9, No-0, Absent-0.

HEARINGS: *None.*

LICENSE TRANSACTIONS: *None.*

PRESENTATIONS/DISCUSSIONS: *Historical Commission.* ► Ms. Mary Olsson, on behalf of the Franklin Historical Commission, addressed the Town Council to review the work done at the museum during the summer by two interns. She provided background information on how the Historical Commission received the financial approval to hire two well-qualified part-time interns: Alison Anderson who was present at tonight's meeting, and Nicole Nietzel. She stated the interns were of great assistance to the museum and the Historical Commission. ► Ms. Anderson provided a detailed update of the work done by both interns during the summer; more was required than simple inventory. The collections were

made more organized and usable and the inventory was computerized. She discussed community outreach and social media to support the museum, and suggested a part-time curator to preserve and care for the artifacts. ► Council members expressed their appreciation for the great job done by the interns at the museum and the wonderful presentation provided at this meeting.

SUBCOMMITTEE REPORTS: *None.*

LEGISLATION FOR ACTION:

1. ***Resolution 16-58: Request for Legislation, Exempting all Positions in the Fire Dept. from Civil Service Law.*** MOTION to **Table** Resolution 16-58: Request for Legislation, Exempting all Positions in the Fire Dept. from Civil Service Law to the November 2, 2016 meeting by **Mercer**. **SECOND** by **Jones**. **No Discussion.** **VOTE: Yes-9, No-0, Absent-0.**

2. ***Zoning Bylaw Amendment 16-768: Districts Enumerated. Creation of Rural Business Zoning District – Referral to Planning Board.*** MOTION to **Waive** the reading by **Mercer**. **SECOND** by **Dellorco**. **No Discussion.** **VOTE: Yes-9, No-0, Absent-0.** MOTION to **Move** Zoning Bylaw Amendment 16-768: Districts Enumerated. Creation of Rural Business Zoning District – Referral to Planning Board by **Mercer**. **SECOND** by **Padula**. **Discussion:** ► Mr. Nutting stated that the next six resolutions relate to the potential rezoning of a parcel of land at the corner of Spring and Washington Streets, known as Hillside Nursery. For about 12 years, they have been seeking to change their operation somewhat and in this case have worked with the town and a bylaw was drafted that basically would allow for a country store, not more than 3,500 sq. ft., and would require that the store sell one-half foods, fruits, and vegetables, and the other things could be convenience store type items. It would allow for up to 20 seats, but also restrict the sale of tobacco, lottery, and alcohol other than beer and wine. A neighborhood meeting was held and about 30-40 neighbors were there. Some folks did not like the proposal while others did like it. If this gets referred to the Planning Board, they will hold a public hearing scheduled for October 17, 2016, and then it would come back to the Town Council on October 19 or November 2, 2016 for a public hearing. There will be plenty of time for the people to be heard. This would be a moderate expansion of what has been going on there for decades. ► Chairman Kelly stated the property owner/applicant is present at tonight’s meeting. He stated Mr. Nutting should schedule the public hearing for October 19, 2016. ► Ms. Pellegrini asked if it would be possible to have the Planning Board and Town Council have joint public hearings. It was done years ago. ► Chairman Kelly asked Attorney Mark Cerel to look into that and report back at the next meeting. ► Mr. Cerel stated he does not believe it can be done. He will look into it and get back to the Town Council. **VOTE: Yes-9, No-0, Absent-0.**

3. ***Zoning Bylaw Amendment 16-769: Definitions. Country Store – Referral to Planning Board.*** Ms. Pfeffer read the resolution. MOTION to **Move** Zoning Bylaw Amendment 16-769: Definitions. Country Store – Referral to Planning Board by **Mercer**. **SECOND** by **Padula**. **Discussion:** ► Mr. Nutting stated this spells out what the basic intent of the bylaw is. This is not intended to be a convenient store, but rather a country store. **VOTE: Yes-9, No-0, Absent-0.**

4. ***Zoning Bylaw Amendment 16-770: Rural Business Zone Use Regulations – Referral to Planning Board.*** MOTION to **Waive** the reading by **Mercer**. **SECOND** by **Padula**. **No Discussion.** **VOTE: Yes-9, No-0, Absent-0.** MOTION to **Move** Zoning Bylaw Amendment 16-770: Rural Business Zone Use Regulations – Referral to Planning Board by **Mercer**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Nutting stated same comment. **VOTE: Yes-9, No-0, Absent-0.**

5. ***Zoning Bylaw Amendment 16-771: Rural Business Zone Dimensional Regulations – Referral to Planning Board.*** MOTION to Waive the reading by Mercer. SECOND by Dellorco. No Discussion. VOTE: Yes-9, No-0, Absent-0. MOTION to Move Zoning Bylaw Amendment 16-771: Rural Business Zone Dimensional Regulations – Referral to Planning Board by Mercer. SECOND by Dellorco. Discussion: ► Mr. Nutting stated no comment. VOTE: Yes-9, No-0, Absent-0.
6. ***Zoning Bylaw Amendment 16-772: Rural Business Zone Sign Regulations – Referral to Planning Board.*** MOTION to Waive the reading by Mercer. SECOND by Dellorco. No Discussion. VOTE: Yes-9, No-0, Absent-0. MOTION to Move Zoning Bylaw Amendment 16-772: Rural Business Zone Sign Regulations – Referral to Planning Board by Mercer. SECOND by Padula. Discussion: ► Mr. Nutting stated no comment. VOTE: Yes-9, No-0, Absent-0.
7. ***Zoning Bylaw Amendment 16-773: Zoning Map Changes from Rural Residential 1 to Rural Business an Area on Washington Street – Referral to Planning Board.*** Ms. Pfeffer read the resolution. MOTION to Move Zoning Bylaw Amendment 16-773: Zoning Map Changes from Rural Residential 1 to Rural Business an Area on Washington Street – Referral to Planning Board by Mercer. SECOND by Dellorco. Discussion: ► Mr. Nutting stated no comment. VOTE: Yes-9, No-0, Absent-0.

TOWN ADMINISTRATOR’S REPORT: ► Mr. Hellen stated the ribbon cutting for the Downtown event is tomorrow at 4:00 PM. There is also the Harvest Stroll. ► Regarding the municipal aggregation for bulk purchasing of electricity, the town’s plan was just approved this week by the Department of Public Utilities and will be going out to bid in the next couple of days. Should have some preliminary pricing in the next two weeks; will find out if can get better rates than what National Grid is doing. ► Regarding 300 Fisher Street, a Superfund site, the EPA is starting their community meetings tomorrow and Friday. If any member of the public would like to set up an appointment, the information is on the front page of the town website.

FUTURE AGENDA ITEMS: ► Mr. Jones noted the citizen’s comment by Mr. Michael Swetz. He would like to bring this up as a discussion on a future agenda. He would like the Planning Department or Mr. Nutting’s office to review if there are any current bylaws that would cover ground level solar panels including national electric codes covering requirements and addressing appearance. ► Ms. Pfeffer requested a future agenda item that the Town Council adopt a resolution that the Town Council is not in favor of a Yes vote on ballot Question #4, the marijuana question. Secondly, she requested that in case Question #4 goes through, she would like to have the Town Council address where smoke shops can be located and have them outside of the business district. ► Mr. Nutting stated he will look into it. ► Council members discussed if Question #4 were to pass. ► Mr. Nutting stated there is no agreement with any growing facility in Franklin; a marijuana dispensary or growing facility can only be in the Industrial zone. He does not know what the law will be in retail space. It is a zoning issue. He will look into it. ► Ms. Pellegri stated she would like to see the Fire Department give a presentation on civil service before the Town Council votes.

COUNCIL COMMENTS: ► Ms. Pellegri gave thanks for the downtown parking report indicating that citations are being give out. ► Mr. Nutting noted that the report indicated that some people are just moving their car every two hours; so, it might have to be addressed if it does not get better. ► Ms. Pellegri asked if the plastic bag discussion item will be further discussed. ► Mr. Nutting stated it is on for a bylaw and will be discussed again at that time. ► Mr. Paula stated he encouraged the fire fighters to continue to reach out to the Town Council. This is a new issue to him. Things change. He wants to review it thoroughly. He also noted that the 2-hour parking signs are very visible downtown and he hopes it is a good trade-off with the meters that used to be there. ► Mr. Mercer stated he has received three calls from

residents about the parking issue. The residents stated that they had always parked in front of their houses during the day and now they can't or they will be ticketed. Maybe there is a way to clarify this for the people that are the residents of those houses. ► Mr. Nutting stated they did away with the resident stickers. They put the bylaw in that area to stop commuters. ► Mr. Mercer stated he knows the reason, but now the homeowners are being penalized. ► Mr. Nutting stated he thinks there is a way to deal with the issue. ► Mr. Mercer stated emails have been received regarding GATRA and pickups. He knows there are a certain number of stops and if the stops are increased it would increase the Town's payment amount for GATRA. He would like to know what the usage is at the current stops. How many people are being picked up at certain locations, and if no one, would the town's dollars be better spent going to other senior places? ► Mr. Nutting stated he can provide the Town Council with the usage numbers. ► Mr. Jones reminded everyone about the Harlem Wizard's basketball team fundraiser at the Tri-County High School on November 18, 2016 at 7:00 PM. Tickets are on sale. It will be a fun night; come support the children of Franklin. ► Mr. Dellorco stated that clarification is needed as to whether GATRA requires notice of 24 or 48 hours. In addition, he stated that he does not know what the conservation agent is doing, but in his eyes, he is a bully. The conservation agent has three people so far that have to call wetland scientists. Mr. Dellorco stated he thinks the conservation agent should come before the Town Council. He is embarrassing the town. ► Mr. Vallee stated he has stories, too. ► Mr. Bissanti stated he is not against the conservation agent doing his job, it is just the way he is doing it. A little bedside manner would be good. He stated that Mr. Hellen spoke with the conservation agent. He would like to go through the right channels and requested Mr. Nutting get something done in this direction. He also commented on Question #4 and the locations. ► Mr. Nutting stated that if the law passes, the marijuana has to go somewhere as it will be the law. It is a zoning question. It is a future agenda item. ► Mr. Pfeffer stated the library had the topping off ceremony with a small pine tree and the American flag put on the final beam. All the Town Council members' names were signed on the beam that is going on top of the library.

EXECUTIVE SESSION: *None.*

ADJOURN: MOTION to Adjourn by Mercer. SECOND by Jones. Yes-9, No-0, Absent-0. Meeting adjourned at 7:56 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Hearing – 7:10 PM

1. *Zoning Bylaw Amendment 16-768: Districts Enumerated. Creation of Rural Business Zoning District*
Zoning Bylaw Amendment 16-769: Definitions. Country Store
Zoning Bylaw Amendment 16-770: Rural Business Zone Use Regulations
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Zoning Bylaw Amendment 16-772: Rural Business Zone Sign Regulations
Zoning Bylaw Amendment 16-773: Zoning Map Changes from Rural Residential 1 to Rural Business an Area on Washington Street

Office of the Town Administrator



MEMORANDUM

Date: September 29, 2016

To: Town Council

From: Jeffrey Nutting, Town Administrator 

Subject: Citizens request to have his land rezoned from Residential One (R1 to Residential Seven (R7))

We have received a request from the owner of 10 acres of land at 496 Summer Street to have the Council consider changing the zoning from R 1 which allows one house for every 40,000 square feet of land and has 200 feet of Frontage to R 7 which allows 4 units of housing for every 40,000 square foot of land or four times the density of R1. Any development of the property would require a water and sewer extension. The sewer is nearby on Summer Street and the water line is several hundred feet down the road. (See map)

R7 was created in 2013 to allow for the "Cooks Farm Development" that is currently under construction on Route 140 at and near the Franklin County Club.

Zoning is a policy matter for the Town Council. You should note that I have also received a phone call from another developer indicating he was interested in having a parcel of land rezoned to R7 as well. Please find attached my memo from a few weeks ago, a zoning map, a water/sewer map, a proposed plan of the development, and general information about R7. I am happy to answer any questions you may have.

OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

Date: September 7, 2016
To: Town Council
From: Jeffrey D. Nutting, Town Administrator 
Re: Proposed Agenda Item about Zoning Game Plan

Lately, I have been approached by landowners/developers (L/D) seeking my opinion on whether the Town will provide a zoning change so they can develop their land into Condos, Apartments and Zone 7 (which allows 4 times the density of Rural Residential zoning). All the requests require a zoning change for the L/D. While a project may offer some benefit, it is the Town Council that needs to decide on zoning and the pace of development you want for Franklin.

The Town Council adopted an updated Master Plan in 2013 as a road map to continued improvements for the citizens of Franklin. The plan covered a wide range of topics many which the Council have embraced to date, most notably zoning changes, sidewalk construction, as well as open space/recreation issues.

Currently, the economy seems to be in good shape and the demand for housing in Franklin is higher than it has been in a long time. You will recall the tremendous growth of the 1990's and the various steps Town Council took to reign in the growth. They rezoned residential land to industrial land, adopted over-55 housing, bought open space when available, adopt the water and sewer extension bylaws, a growth control bylaw, the so-called circle bylaw, etc. Further, the Council voted for an impact fee on new homes that was rejected by the Court. All the efforts to control development happened after the spike in housing production of the mid-1990's and the fast growth created problems that we are still dealing with today. Housing starts continued in the early 2000's at a slower pace and then the recession of 2008 reduced development further.

In review, dwelling units created in the last five years by the Building Commissioner reports the following dwelling units:

2011 - 20 units
 2012 - 57 units
 2013 - 48 units
 2014 - 47 units
 2015 - 38 units

This does not count the two developments on King Street and East Central Street with a total of over 250 units for elderly citizens.

Since 2012, we are averaging about 48 units a year. This seems to be a reasonable and steady growth. Franklin is now at a crossroad again concerning proposed dwelling units. Currently, there are over **800** units in various stages of development.

Under Construction (Various Stages)

Weston Woods - 40B Apartments	280
Lorriane Metcalf - Subdivision	4
Cooks Farm - Condos	55
Lincoln Street - Subdivision	9
County Side Estates - Subdivision	8
Franklin Heights - Condos	7
Winter Gardens- Subdivison	5

Approved

Uncas Ave - Subdivision	18
Upper Union Street - Subdivision	7
East Central Street - Apts.	7
Chestnut Street - Over 55	10

Before Planning Board

Maple Street - Subdivision	10
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In the Works

Madeline Village 40B	30-40	Decision by ZBA by end of the year
Pond Street Condos	96	Expects to file prior to end of year
Apartments at the end of Dean Ave	250	Expects to file prior to the end of year
Condos on West Central Street	30 ??	Recently rezoned
Others units that are currently approved	20 +/-	or under construction
Total possible Dwelling Units	800 +/-	

While not all of these units will be constructed at once, we could see well over 600 units in the next 3 years. Further, we do not know how many other "as of right" dwelling units may be proposed in the next couple of years.

The housing development speaks well to Franklin's quality of life and all the improvements that have happen over the last 15 years under the leadership of the various Town Councils that make Franklin a desirable community to live.

Does the Town Council want to maintain the zoning plan adopted in the Master Plan or make changes to the plan? Providing a clear message to L/D's makes a lot more sense than dealing with zoning on a case-by-case basis. It is hard to say yes to one person and no to the next if you do not have an overall game plan.

I suggest this topic be put on a Council agenda or workshop in the near future. I am happy to answer any questions.

JDN:ce

cc: Bryan Taberner, Director of Community Planning
Planning Board

C. Establishment of Medical Marijuana Use Overlay Districts and relationship to underlying districts.

1. The Medical Marijuana Use Districts are established as districts which overlay the underlying districts, so that any parcel of land underlying in a Medical Marijuana Use District shall also lie in one or more of the other zoning districts in which it was previously classified, as provided for in this Zoning Bylaw.

D. Permitted uses.

1. Uses allowed by right. The following uses are allowed as of right within Medical Marijuana Districts:
 - (a) All uses permitted as of right in the underlying base zoning district.
 - (b) Medical marijuana treatment facility.
 - (c) Medical marijuana testing facility.

E. Location.

1. The Medical Marijuana Use Overlay District consists of those parcels of land zoned industrial that are located south or west of the sideline of Interstate 495; and which are not within 200 feet of a residential zoning district, school, library, church, child-care facility, park, and playground. The 200 feet shall be measured from all property lines of the proposed use; state forest land shall not be considered when determining the proximity of a parcel to a residential zoning district.
2. This district is delineated on the map entitled "Medical Marijuana Use Overlay District" and created under § 185-4, Districts enumerated.

F. Severability. If any of this section or portion of this section is ruled invalid, such ruling shall not affect the validity of the remainder of the section.

 § 185-50. Residential VII Zoning District. [Added 10-16-2013 by Bylaw Amendment 13-722]

1. Purpose. To allow for planned residential developments.

A. Uses allowed:

- (1) Single-family dwelling units by right;
- (2) Multiple, single-family dwelling units by special permit from the Planning Board; and
- (3) All other uses as permitted in Residential VII as shown in Chapter 185, Attachment 2, Town of Franklin Use Regulations Schedule.

2. Special permit, for multiple, single-family.

A. General requirements.

- (1) Special permits. Multiple, single-family dwelling units may be authorized by special permit from the Planning Board in the Residential VII Zoning District, but only in accordance with the requirements as set out in § 185-45, Administration and enforcement, and if in accordance with the following requirements of this section, and as long as all other applicable requirements of Chapter 185 are met.
- (2) Site plan review. The requirements of § 185-31, Site plan review, shall be complied with at the time of application for a special permit.

B. Other requirements.

- (1) Mitigation. Design and construction shall reduce, to the extent reasonably possible, the following:
 - (a) The volume of cut and fill.
 - (b) The number of trees removed.
 - (c) The extent of waterways altered or relocated.
 - (d) The visual prominence of man-made elements not necessary for safety or orientation.
 - (e) The removal of existing stone walls.
 - (f) The visibility of building sites from existing streets.
 - (g) The alteration of groundwater or surface water elevations.
 - (h) The disturbances of important wildlife habitats, outstanding botanical features and scenic or historic environs.
 - (i) The soil loss or instability during and after construction.
- (2) Enhancement. Design and construction shall increase, to the extent reasonably possible, the following:
 - (a) Visual prominence of natural features of the landscape.
 - (b) Legal and physical protection of views from the public ways.
 - (c) Use of curvilinear street patterns.

C. Building design and placement.

- (1) Minimum lot size. Multiple, single-family developments shall be constructed on a parcel of land totaling at least five acres of upland.
- (2) Density. The maximum number of dwelling units permitted shall not exceed four units per acre of upland.

- (3) There shall be at least 20 feet between buildings, or space between buildings may be reduced by 50% if all adjacent buildings are fire-sprinkled. In all other respects, the requirements of the Schedule of Lot, Area, Frontage, Yard and Height Requirements must be met.
- (4) If no public water supply is available, dwelling units must be fire-sprinkled.

D. Roadways.

- (1) Roadways construction. All the work and the materials used shall conform to the requirements of the MassDOT's "Standard Specifications for Highways and Bridges," including the most recent Supplemental Specifications.
 - (a) All roadways shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular and pedestrian travel.
 - (b) Width requirements.
 - i Roadways and alleys shall be 24 feet in width, of which a minimum of 20 feet shall be paved; the balance shall consist of a continuous shoulder with no obstructions, constructed, in the opinion of the Fire Chief, to be capable of supporting and providing supplemental access for heavy emergency vehicles.
 - ii Alleys may be reduced to 18 feet in width provided that the following requirements are met:
 - a. There is a primary roadway constructed consistent with the requirements of this Subsection 2D, Roadways;
 - b. The alley is one-way; and
 - c. There is no parking allowed along the alley.
- (2) Dead-end streets.
 - (a) Dead-end streets shall be no longer than 600 feet measured from the sideline of the closest, connecting street.
 - (b) Dead-end streets shall be provided, if a closed end, with a turnaround having a pavement radius of 45 feet.
 - (c) Approval. Approval of dead-end streets may be contingent upon provision of easements and necessary facilities to allow continuity of utility and drainage systems. Water mains shall normally be looped.
- (3) Other roadway requirements.
 - (a) Streets. Streets indicated on the plan that are not fully constructed to provide through traffic shall provide for paved temporary turnarounds suitable for snowplowing purposes; to be approved by the Planning Board, before any houses on such streets shall be occupied.

- (4) Ownership and maintenance.
 - (a) Ownership and maintenance of all roadways and related infrastructure shall remain private.
 - (b) A private road covenant to ensure compliance with Subsection 2D(4)(a) shall be approved by the Town Council prior to endorsement of plans by the Planning Board.

E. Other improvements.

- (1) Sidewalks. Location. Sidewalks are required on one side of the road to adequately service pedestrian traffic.
- (2) Sidewalks shall be at least five feet wide and shall extend to the paved roadway at intersections to provide convenient walk-off crossings. Sidewalks shall be ramped for handicapped to access the gutter with no curb. Handicap ramps shall be shown on the plan and shall be constructed in accordance with the latest Rules and Regulations of the Architectural Access Board.

F. Utilities.

- (1) Wiring. Electrical, telephone and television community cable conduits shall be placed underground. Size and materials of these conduits and lateral spacing between conduits shall meet the requirements of the respective utility company. The utilities shall not be located under either paved areas of roadways or the sidewalks.
 - (a) Ownership and maintenance of utilities shall remain private.
- (2) Water and sewer. Water and sewer services shall be constructed in compliance with Department of Public Works Standards.
 - (a) The water and sewer system shall remain private; however, DPW personnel shall have access as necessary to maintain the public systems.
 - (b) The Town of Franklin, its agents and servants shall have the right but not the obligation at all times to enter an approved development for the purposes of inspecting, maintaining and/or making emergency repairs including, but not limited to, private water, private sewer and/or private drainage systems. In such event, the private property owners shall be liable, jointly and severally, for the payment of all expenses incurred by the Town in connection therewith, and unpaid expenses shall constitute a lien on their property.

G. Homeowners' association.

- (1) A homeowners' association shall be established to provide maintenance of all roadways, related infrastructure and utilities.

- (2) Legal documents creating such homeowners' association shall be submitted to the Town for review and shall be determined to be acceptable prior to plans being endorsed by the Planning Board.

ZONING

185 Attachment 9

Town of Franklin

SCHEDULE OF LOT, AREA, FRONTAGE, YARD AND HEIGHT REQUIREMENTS

[Amended 5-20-1998 by Bylaw Amendment 98-357; 5-6-1998 by Bylaw Amendment 98-361; 5-3-2000 by Bylaw Amendment 00-430; 7-11-2001 by Bylaw Amendment 01-468; 12-5-2001 by Bylaw Amendment 01-486; 10-2-2002 by Bylaw Amendment 02-507; 6-11-2003 by Bylaw Amendment 03-511; 3-1-2006 by Bylaw Amendment 05-575; 7-13-2011 by Bylaw Amendment 11-654; 6-19-2013 by Bylaw Amendment 13-717; 10-16-2013 by Bylaw Amendment 13-719; 1-22-2014 by Bylaw Amendment 13-726]

District	Area (square feet)	Minimum Lot Dimensions			Minimum Yard Dimensions			Maximum Height of Building		Maximum Impervious Coverage of Existing Upland	
		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	30	35
Neighborhood Commercial	18,000	100	100	90	20	30	40	3	35	30	35
Downtown Commercial	5,000	50	50	45	5 ¹⁰	0 ²	15	3 ⁵	40 ⁹	80	90
Commercial I ⁷	5,000	50	50	45	20 ¹	0 ²	15	3 ⁶	40 ⁶	90	100
Commercial II	40,000	175	200	157.5	40	30	30	3	40	70	80
Business	20,000	125	160	112.5	40	20	30	3	40	70	80
Industrial	40,000	175	200	157.5	40	30 ³	30 ³	3 ⁶	—	70	80
Limited Industrial	40,000	175	200	157.5	40	30 ³	30 ³	3 ⁶	40 ⁶	70	80
Office	40,000	100	100	90	20	30 ³	30 ³	3 ⁶	40 ⁶	70	80

Current →

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 a right-of-way which is 75 feet or more.

NOTES:

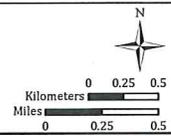
- ¹ But no new structure shall be required to provide a deeper yard than that existing on that parcel upon adoption of this amendment.
- ² Increase to 20 feet when abutting a residential district.
- ³ See definition of "upland" in § 185-3, § 185-36, Impervious surfaces, and § 185-40, Water Resource District.

FRANKLIN CODE

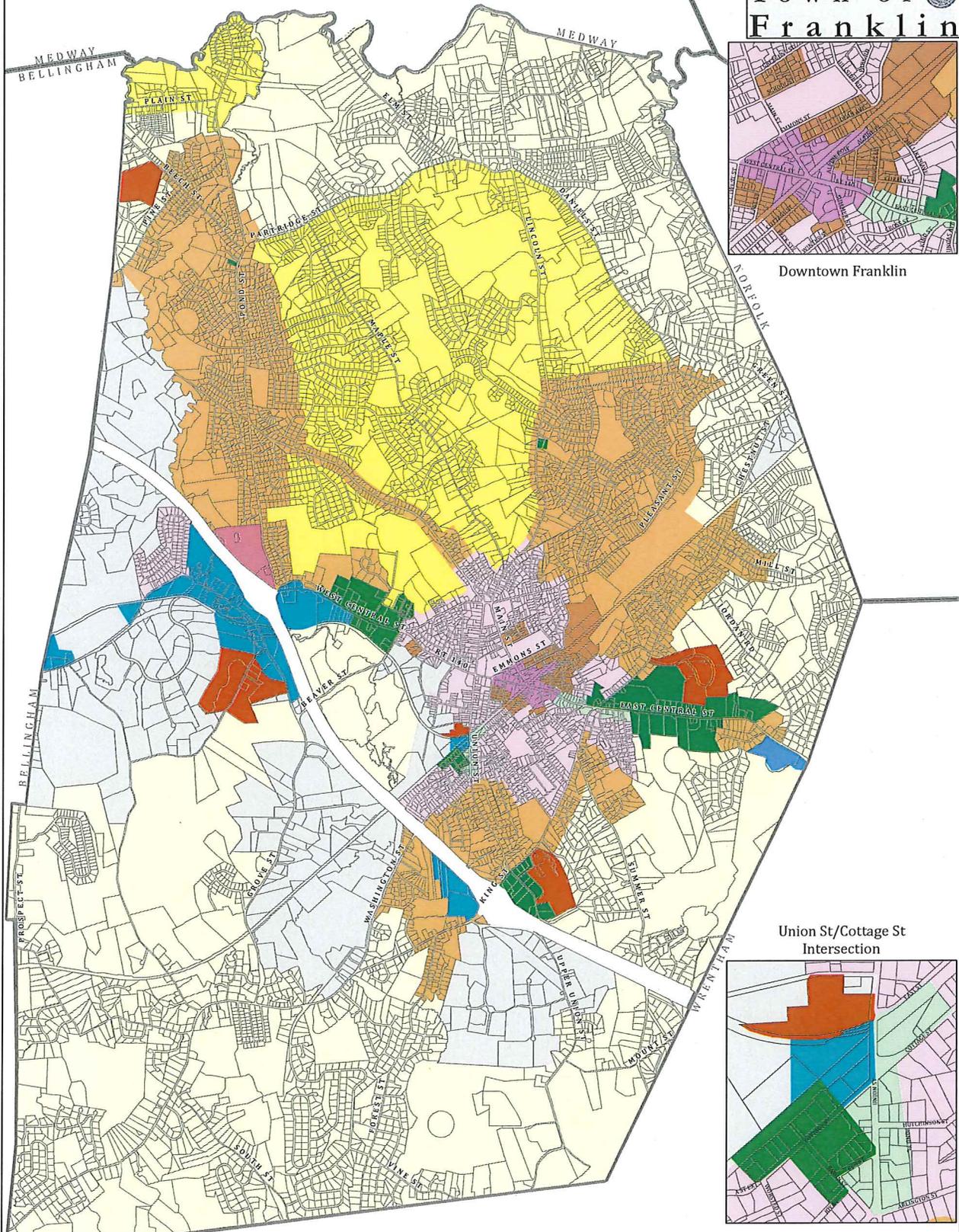
- 4 Within open space developments (see § 185-43), the lot width must be met for individual lots and shall be no less than 1/2 those required within the underlying district.
- 5 Increase by the common building height of the structure, when abutting a residential use.
- 6 Up to five stories and/or 60 feet, whichever is greater, may be permitted by a special permit from the Planning Board.
- 7 Permitted residential uses must observe requirements of the General Residential V District for residential use building only. Mixed-use buildings are exempt from this requirement.
- 8 Increase by 1.5 the common building height of a structure, when abutting a residential district or use.
- 9 Up to four stories and/or 50 feet, whichever is less, 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 five-foot setback required on first floor, street level; upper floors can overhang required first floor setback.
- 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.

ZONING DISTRICTS

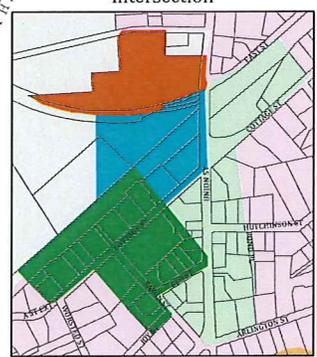
- Business
- Commercial I
- Commercial II
- Downtown Commercial District
- General Residential V
- Industrial
- Office
- Residential VI
- Residential VII
- Rural Residential I
- Rural Residential II
- Single-Family III
- Single-Family IV



Town of Franklin



Downtown Franklin



Union St/Cottage St Intersection

GIS Zoning Map Approved 11-01-2000; Zoning Bylaw 00-446

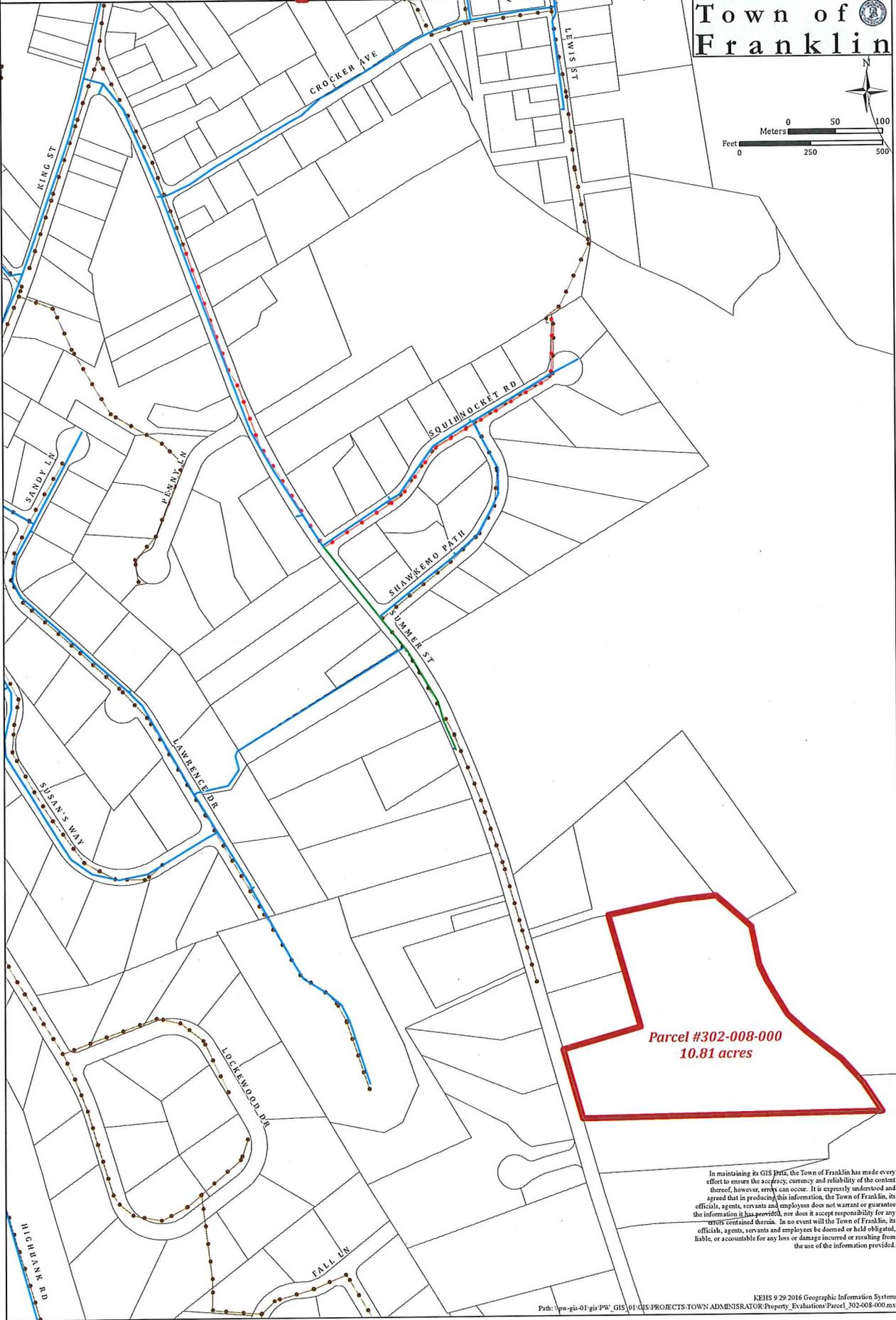
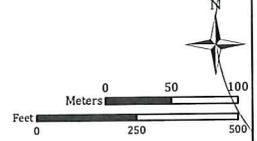
-Amendment 99-414: 07-21-1999	-Amendment 04-539: 06-02-2004	-Amendment 13-721: 10-16-2013
-Amendment 00-444: 12-06-2000	-Amendment 05-558: 03-23-2005	-Amendment 14-728-R: 06-04-2014
-Amendment 00-454: 04-18-2001	-Amendment 05-559: 03-02-2005	-Amendment 14-733: 06-04-2014
-Amendment 01-469: 07-11-2001	-Amendment 07-607: 09-05-2007	-Amendment 14-734: 06-04-2014
-Amendment 01-472: 08-01-2001	-Amendment 07-608: 09-05-2007	-Amendment 15-750: 10-09-2015
-Amendment 01-474: 08-15-2001	-Amendment 07-609: 09-05-2007	-Amendment 16-753: 07-13-2016
-Amendment 01-475: 08-15-2001	-Amendment 07-610: 09-05-2007	
-Amendment 01-479: 12-05-2001	-Amendment 08-625: 11-05-2008	
-Amendment 02-492: 02-20-2002	-Amendment 11-652: 07-13-2011	
-Amendment 02-500: 07-17-2002	-Amendment 12-666: 01-04-2012	
-Amendment 02-506: 11-20-2002	-Amendment 12-689: 10-03-2012	
-Amendment 03-520: 08-06-2003	-Amendment 13-705: 05-15-2013	

Attested to date 6.3.2016
 Signature _____
 Teresa M. Burr, Town Clerk

In maintaining its GIS Data, the Town of Franklin has made every effort to ensure the accuracy, currency and reliability of the content thereof, however, errors can occur. It is expressly understood and agreed that in producing this information, the Town of Franklin, its officials, agents, servants and employees does not warrant or guarantee the information it has provided, nor does it accept responsibility for any errors contained therein. In no event will the Town of Franklin, its officials, agents, servants and employees be deemed or held obligated, liable, or accountable for any loss or damage incurred or resulting from the use of the information provided.

-  Water Pipe (CLDI)  Sewer Pipe (Gravity)
-  Water Pipe (AC)  Parcel Line
-  Sewer Pipe (Pressure)  Parcel of Interest (302-008-000)

Town of Franklin



In maintaining its GIS PMS, the Town of Franklin has made every effort to ensure the accuracy, currency and reliability of the content thereof, however, errors can occur. It is expressly understood and agreed that in producing this information, the Town of Franklin, its officials, agents, servants and employees does not warrant or guarantee the information it has provided, nor does it accept responsibility for any errors contained therein. In no event will the Town of Franklin, its officials, agents, servants and employees be deemed or held obligated, liable, or accountable for any loss or damage incurred or resulting from the use of the information provided.

LAW OFFICES
CORNETTA, FICCO & SIMMLER, P.C.
ATTORNEYS AT LAW
4 WEST STREET
FRANKLIN, MASSACHUSETTS 02038

RICHARD R. CORNETTA, JR.

VOICE (508) 528-5300
FAX (508) 528-5555

October 12, 2016

Mr. Matthew Kelly, Chairman
ATTN: Jeffery D. Nutting
Franklin Town Council
Town of Franklin
355 East Central Street
Franklin, MA 02038
Via email: jnutting@franklin.ma.us

Re: Proposed Zoning Map Amendment
496 Summer Street, Franklin, Massachusetts

Dear Mr. Chairman:

Please be advised that this correspondence has been sent on behalf of Bruce J. Hunchard and Gwynne A. Hunchard, (hereinafter collectively referred to as the "Hunchard"), the record fee owner of the real property located at 496 Summer Street, Franklin, Massachusetts, shown on the Franklin Assessor's Map 302, Parcel 008.

Pursuant to Massachusetts General Law, Chapter 40A, §5, Hunchard petitions the Franklin Town Council to change the zoning district designation of the above-entitled real property from Rural Residential I (RRI) to Single Family Residential VII (SFRVII) through an amendment to the Franklin Zoning Map as set forth in the Franklin Town Code, Chapter 185, §5.

In support of this petition, attached please find the Memorandum in Support of Zoning Bylaw Amendment; including the Certificate of Ownership of Bruce J. Hunchard and Gwynne A. Hunchard; Sketch Plan of Locus; and the conceptual illustration plans for the site overview, building elevations, streetscape views and interior floor plans prepared by Grandis Homes, LLC.

On behalf of Hunchard, I would respectfully request that this matter be placed on the next available agenda of the Council for consideration.

Very truly yours,

Richard R. Cornetta, Jr.

Richard R. Cornetta, Jr.

COMMONWEALTH OF MASSACHUSETTS
TOWN OF FRANKLIN
FRANKLIN TOWN COUNCIL

NORFOLK, ss.

Owner Petition: **Bruce J. Hunchard and Gwynne A. Hunchard**

**MEMORANDUM IN SUPPORT OF ZONING BY-LAW TO AMEND
THE FRANKLIN TOWN CODE AT CHAPTER 185, § 5**

LOCUS HISTORY

1. **Relevant District.** The subject real property is located wholly within the Rural Residential I (RRI) zoning district.
2. **Location.** The subject real property consists of a parcel of land totaling ± 10.8 acres (Franklin Assessor Map 302-008-000) located along the easterly side of Summer Street in Franklin; and is bounded to the east by open space land owned by the town of Franklin, to the south by residential property, to the west by Summer Street, to the north by residential property (said subject property is referred to herein as the "Locus").
3. **Current Use.** The Locus is owned by Bruce J. Hunchard and Gwynne A. Hunchard, and has served as the Hunchard family's personal single family residence for over thirty years. The Locus contains a single family colonial style residence along with a detached garage, with the remainder of the acreage being wooded.

PRESENT APPLICANT/APPLICATION

4. **Applicant/Owner/Developer.** The present applicant/owner is Bruce J. Hunchard and Gwynne A. Hunchard. A certificate of ownership signed by the applicant/owner has been attached along herewith. The developer of the prospective multi-family planned residential development is Grandis Homes, LLC, a limited liability company duly organized under the laws of the Commonwealth of Massachusetts with a principal place of business at 135 Main Street, Suite 5, Medway, Massachusetts.
5. **Requested Action.** Pursuant to Massachusetts General Law, Chapter 40A, §5, the applicant seeks to change the zoning district designation of the Locus from Rural Residential I (RRI) to Single Family Residential VII (SFRVII) through an amendment to the Zoning Map of Franklin as set forth in the Franklin Town Code, Chapter 185, §5.

PLANNED RESIDENTIAL DEVELOPMENT

6. **Development Overview.** The Single Family Residential VII (SFRVII) zoning district would allow for planned residential developments consisting of multiple single family dwelling units by special permit of the Franklin Planning Board in accordance with the specific criteria set forth in §185-45 and §185-50 of the Franklin Zoning Bylaw. The preliminary planned residential development would include the removal of the existing structures and the construction of a new thirty-four (34) single family home development, with associated bituminous paved access drive, landscaping, lighting, utilities and stormwater infrastructure. A conceptual site rendering of the proposed development prepared by United Consultants, Inc. has been filed along herewith.
7. **Single Family Form of Ownership.** The planned residential development would include the fee ownership of each individual single family lot, along with the proportionate membership in the privately established association for the maintenance and repair of the common access drive, common landscaped areas, pedestrian walkways, stormwater management system and any other infrastructural improvements serving the development. Although the residential development would resemble a conventional residential neighborhood found within the town of Franklin, the development would emphasize smaller individual lot/yard size with

larger deck/patio areas. The individual homes will contain three (3) bedrooms with the option of selecting from a variety of floor plan layouts. The exterior style for each home will vary in design, with alternating entry ways, rooflines, colors and architectural finish so as to promote the appearance of a traditional New England neighborhood. This variety in design will continue in the interior floor plan of each home, offering the homeowner a choice in design which may include a first floor master bedroom, cathedral/open ceiling, guest suites and varied porch layouts. Conceptual illustration plans of the site overview, building elevations, streetscape views and varied interior floor plans prepared by Grandis Homes, LLC have been filed along herewith.

8. Utilities and Infrastructural Improvement of Planned Residential Development. The Locus has access to the public water service and sewer service, natural gas and telephone. The planned residential development would propose, pending approval of the Council, that each home be connected and serviced by the municipal water and sewer system to be constructed according to current standards thereby reducing the chance of infiltration and contamination. A primary access drive is planned to connect to Summer Street with a loop road providing motor vehicle and pedestrian access; access drive also designed to accommodate emergency vehicles to each home. In the course of acquiring special permit approval from the Franklin Planning Board, the development would be designed in compliance with the site plan requirements of §185-31 of the Franklin Zoning Bylaw, incorporating the Best Management Practices to meet the Department of Environmental Protection Stormwater Management runoff quality requirements. The access drive, landscaping, lighting, stormwater management system and associated infrastructural improvements of the development would remain in private ownership of the homeowner's association to be managed and maintained, in perpetuity, by the association of owners and not become the responsibility of the Town.

9. **Financial Impacts of the Planned Residential Development.** The following table summarizes the estimated financial analysis associated with the planned residential development, to wit:

Development of Summer Street		
Financial Analysis		
Locus	10 Acres	
34 three bedroom homes		
Trips per day	200 +/-	
One time permit fees (1)	\$270,940	
Income to Town		Estimated
Total value of 34 units @ \$550,000 each (average)	\$	18,700,000
Tax Revenue at 14.50/1000 after build out	\$	271,150.00
Estimated Annual excise tax	\$	25,500.00
Water and Sewer revenue (2)	\$	58,752.00
Total income	\$	355,402
Costs to Town after build out		
34, three bedroom with 11 students @ 6,000 (3)	\$	66,000
Municipal cost - 78 residents @ 500 (4)	\$	39,000
Total costs	\$	105,000
Net total Per Year	\$	250,402
(1) Building permit (\$81,600) Storm Water (\$3,360) Water (2,655x34=\$90,270) Sewer (2,815x34=\$95,710)		
(2) 160 cubic feet per unit x 34 (\$5.50 x 34 = 29,920 water/\$5.30 x 34 =28,832 sewer		
(3) .31 students per three bedroom unit		
(4) \$500 per resident		

CONCLUSION

The use of the properties to the north, west and south adjoining the Locus are residential in nature. Due to the residential character of the proposed use, the proposed zoning map amendment will not be detrimental or otherwise offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, visual or other nuisances. The planned residential development being proposed by such a zoning amendment would be favorable to a conventional single family residential subdivision. The individual homes would be characterized by less maintenance responsibilities, with emphasis on smaller lot/yard areas, larger deck/patio areas, common areas (ie. access drive, landscaping, lighting, stormwater management system) being maintained by a homeowner's association. In light of the proximate location of the Locus to the commercial center/train station area of the downtown, the planned residential development as proposed by this zoning amendment would appeal to and be more conducive to the emerging housing market comprised of 'millennials' and 'empty nesters'.

WHEREFORE, the applicant/owner/developer respectfully request that the Council revise the zoning district designation of the Locus from Rural Residential I (RRI) to Single Family Residential VII (SFRVII) through an amendment to the Zoning Map of Franklin as set forth in the Franklin Town Code, Chapter 185, §5.

Dated: October 12, 2016

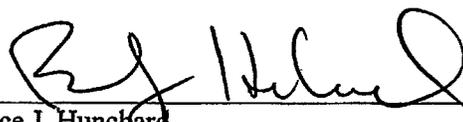
Respectfully submitted,
GRANDIS HOMES, LLC
By its Attorneys,

Richard R. Cornetta, Jr

Richard R. Cornetta, Jr., Esquire
Cornetta, Ficco & Simmler, PC
Four West Street
Franklin, MA 02038
Tel: (508)528-5300
Fax: (508)528-5555
Email: Richard@cornettalaw.com

CERTIFICATE OF OWNERSHIP

We, the undersigned applicant/owner, Bruce J. Hunchard and Gwynne A. Hunchard, do hereby certify to the Town of Franklin, through its Town Council, that we are the current fee title holder of the real property located at 496 Summer Street, Franklin, Norfolk County, Massachusetts, also identified on the Franklin Assessor Map 302-008-000, more particularly described in a deed dated January 17, 2002 and filed with the Norfolk District of the Land Court with Certificate Number 161598, in Book 808, Page 198, and further hereby verify and acknowledge this petition which seeks to change the zoning district designation of the Locus from Rural Residential I (RRI) to Single Family Residential VII (SFRVII) through an amendment to the Zoning Map of Franklin as set forth in the Franklin Town Code, Chapter 185, §5.


Bruce J. Hunchard


Gwynne A. Hunchard



Summer Street

PROPOSED RESIDENTIAL DEVELOPMENT
FRANKLIN, MASSACHUSETTS



135 MAIN STREET
SUITE #5
MEDWAY MA 02053

SUMMER STREET
PROPOSALS:
STREET VIEW



135 MAIN STREET
SUITE #5
MEDWAY MA 02053

SUMMER STREET
PROPOSALS:
STREET VIEW



135 MAIN STREET
SUITE #5
MEDWAY MA 02053

SUMMER STREET
PROPOSALS:
STREET VIEW (NIGHT)



135 MAIN STREET
SUITE #5
MEDWAY MA 02053

SUMMER STREET
PROPOSALS:
STREET VIEW



135 MAIN STREET
SUITE #5
MEDWAY MA 02053

SUMMER STREET
PROPOSALS:
STREET VIEW



135 MAIN STREET
SUITE #5
MEDWAY MA 02053

SUMMER STREET
PROPOSALS:
SITE OVERVIEW (TOP)



135 MAIN STREET
SUITE #5
MEDWAY MA 02053

SUMMER STREET
PROPOSALS:
SITE OVERVIEW (ORTHO)



135 MAIN STREET
SUITE #5
MEDWAY MA 02053

SUMMER STREET
PROPOSALS:
ELEVATION



135 MAIN STREET
SUITE #5
MEDWAY MA 02053

SUMMER STREET
PROPOSALS:
ELEVATION



135 MAIN STREET
SUITE #5
MEDWAY MA 02053

SUMMER STREET
PROPOSALS:
ELEVATION



135 MAIN STREET
SUITE #5
MEDWAY MA 02053

SUMMER STREET
PROPOSALS:
ELEVATION



135 MAIN STREET
SUITE #5
MEDWAY MA 02053

SUMMER STREET
PROPOSALS:
ELEVATION

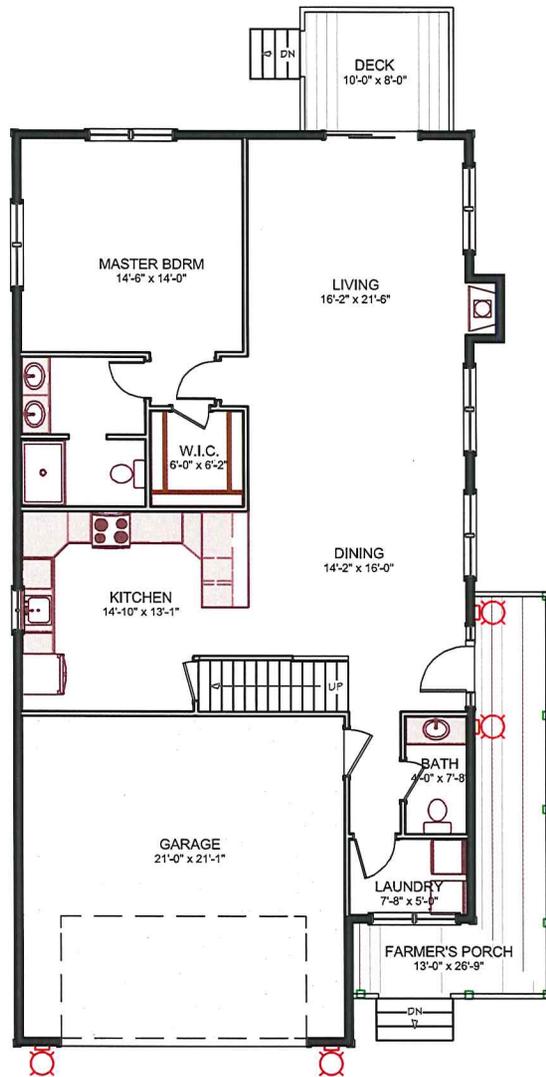


135 MAIN STREET
SUITE #5
MEDWAY MA 02053

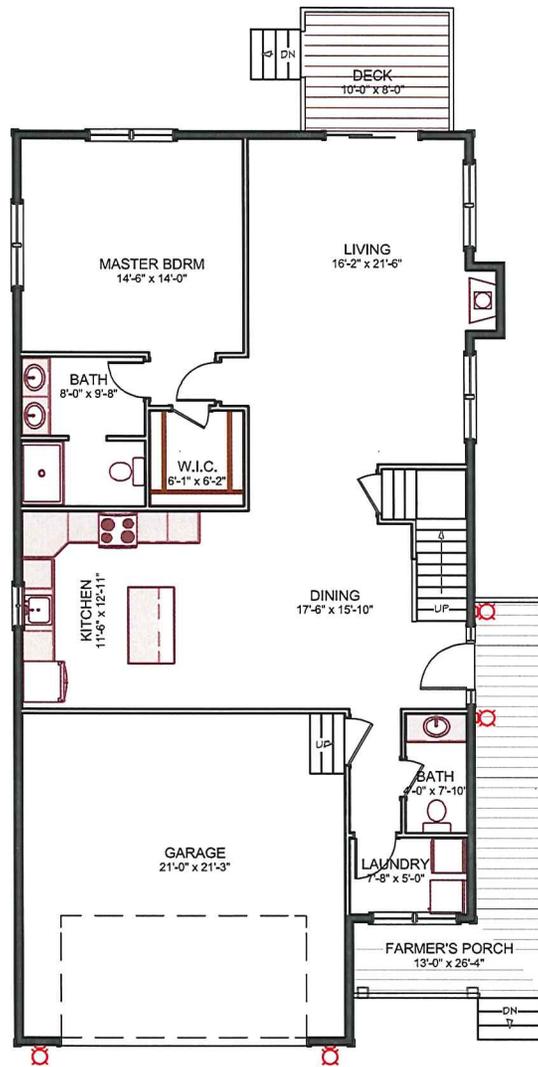
SUMMER STREET
PROPOSALS:
ELEVATION

FIRST FLOOR PLAN
60' OPTIONS

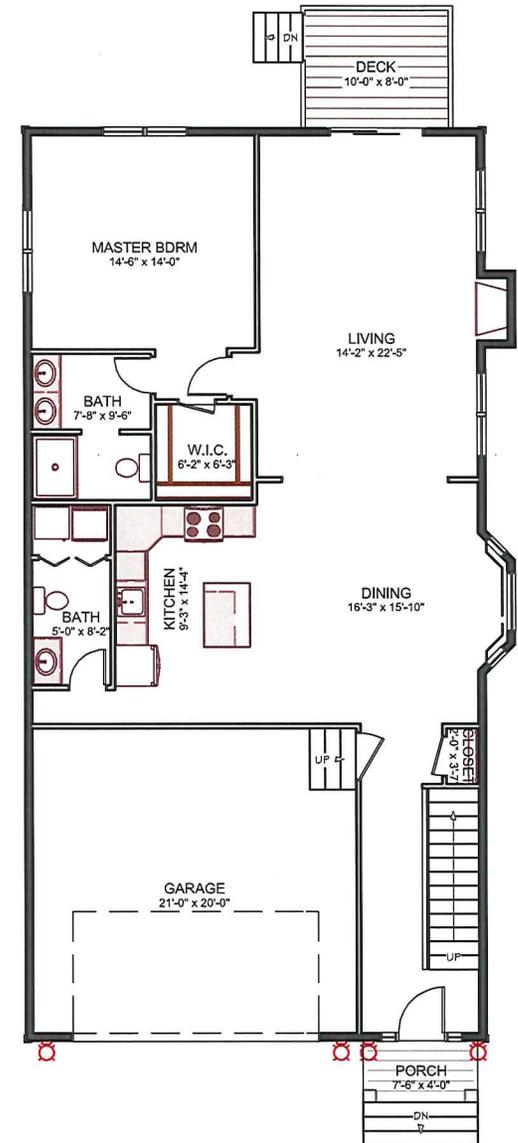
A) FIRST FLOOR MASTER
OPTION 1



B.) FIRST FLOOR MASTER
OPTION 2



C.) FIRST FLOOR MASTER
OPTION 3

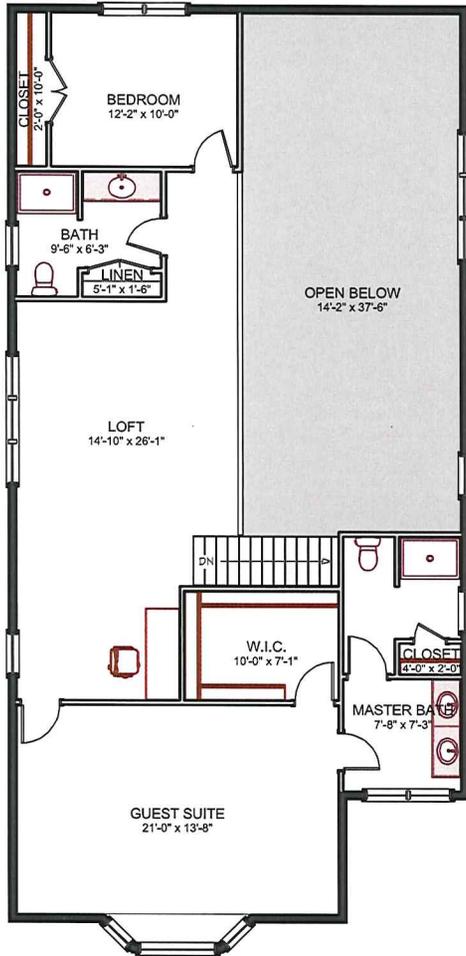


135 MAIN STREET
SUITE #5
MEDWAY MA 02053

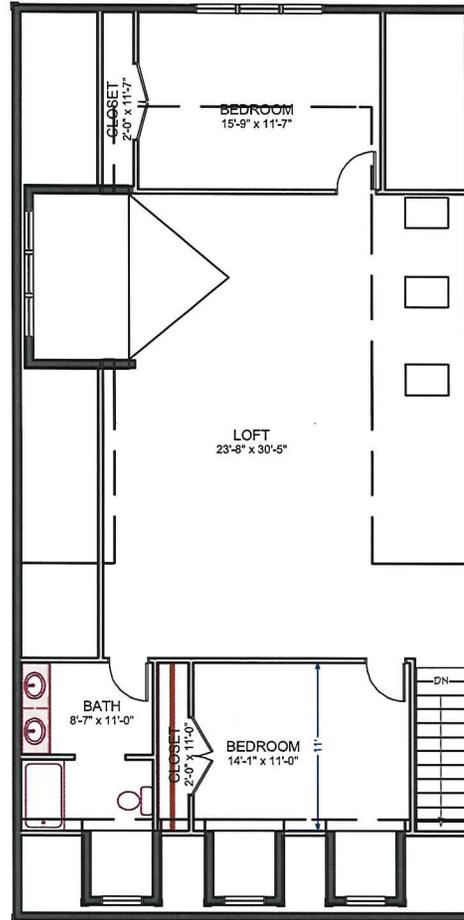
SUMMER STREET
PROPOSALS:
FIRST FLOOR PLAN
60' OPTIONS

SECOND FLOOR PLAN
60' DESIGN SAMPLING

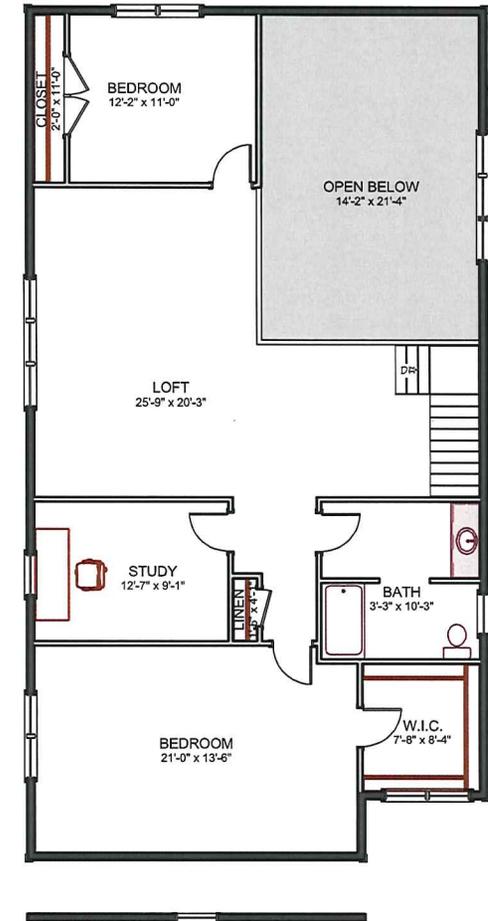
OPTION 1



OPTION 2



OPTION 3

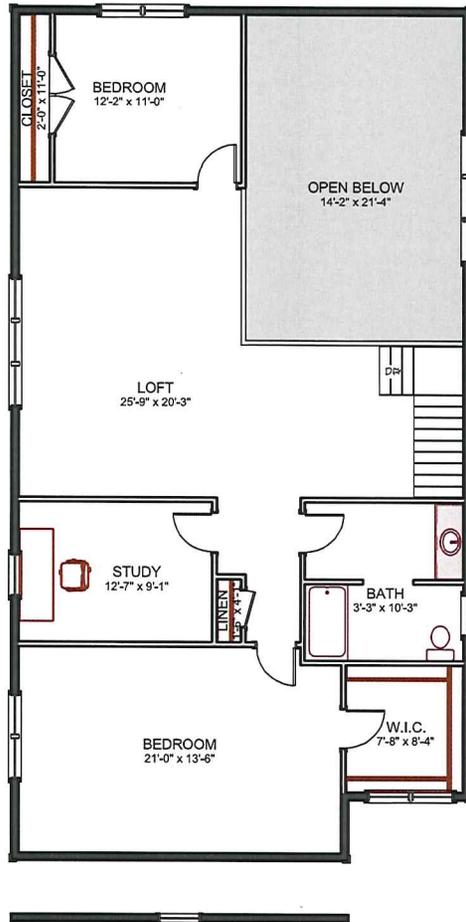


135 MAIN STREET
SUITE #5
MEDWAY MA 02053

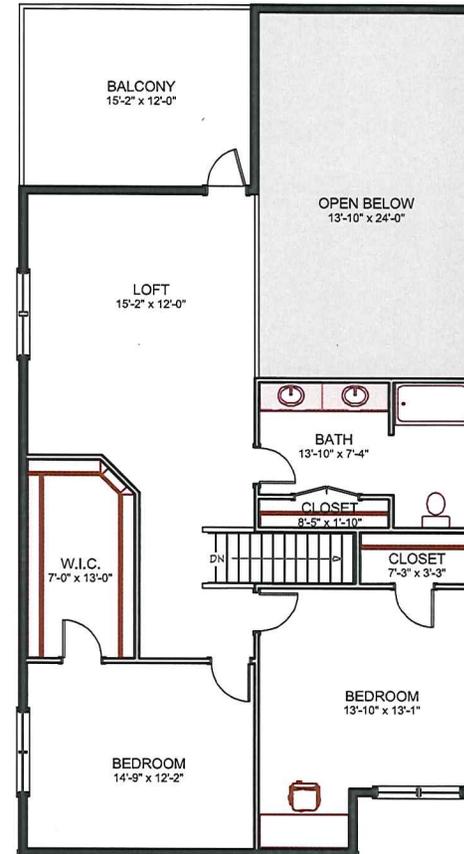
SUMMER STREET
PROPOSALS:
SECOND FLOOR PLAN
60' OPTIONS

SECOND FLOOR PLANS
60' DESIGN SAMPLING
(cont.)

OPTION 4



OPTION 5

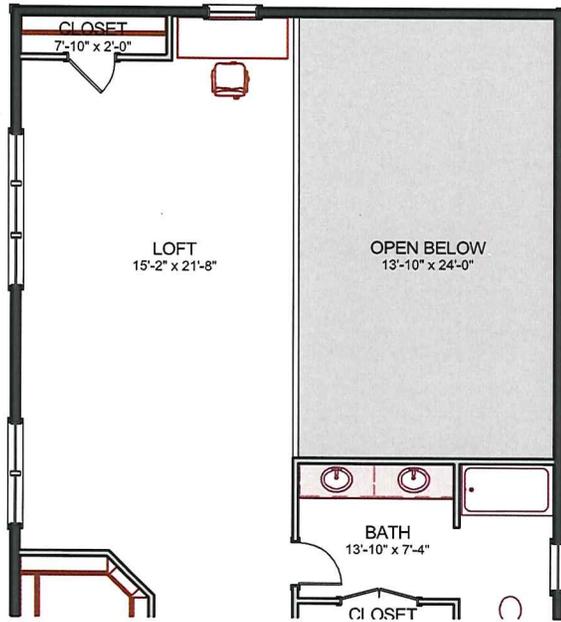


135 MAIN STREET
SUITE #5
MEDWAY MA 02053

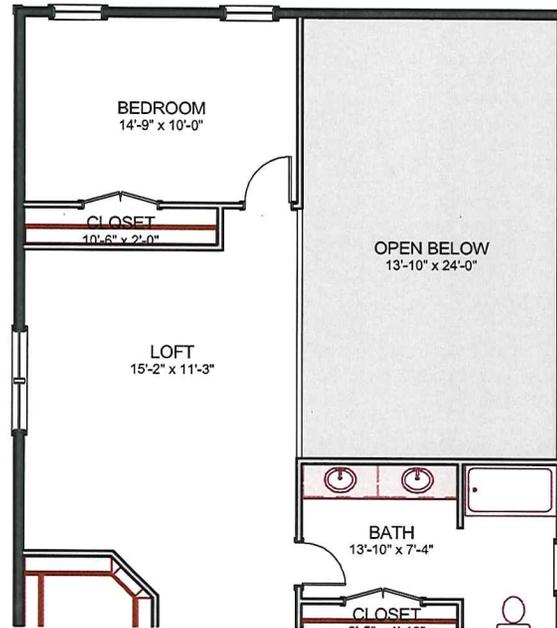
SUMMER STREET
PROPOSALS:
SECOND FLOOR PLAN
60' OPTIONS (cont.)

**MOST SECOND FLOORS HAVE
OPTIONS OF:**

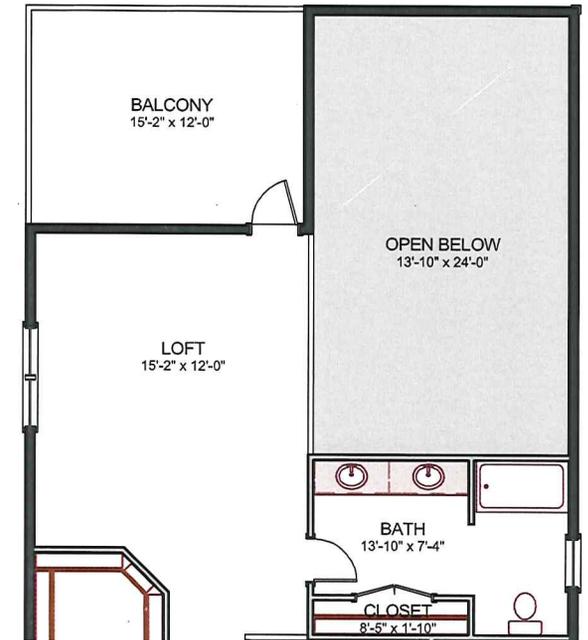
**OPTION A.) LARGE
LOFT SPACE (OPEN
TO BELOW)**



**OPTION B.) LOFT +
EXTRA BEDROOM**



**OPTION C.) LOFT +
BALCONY**

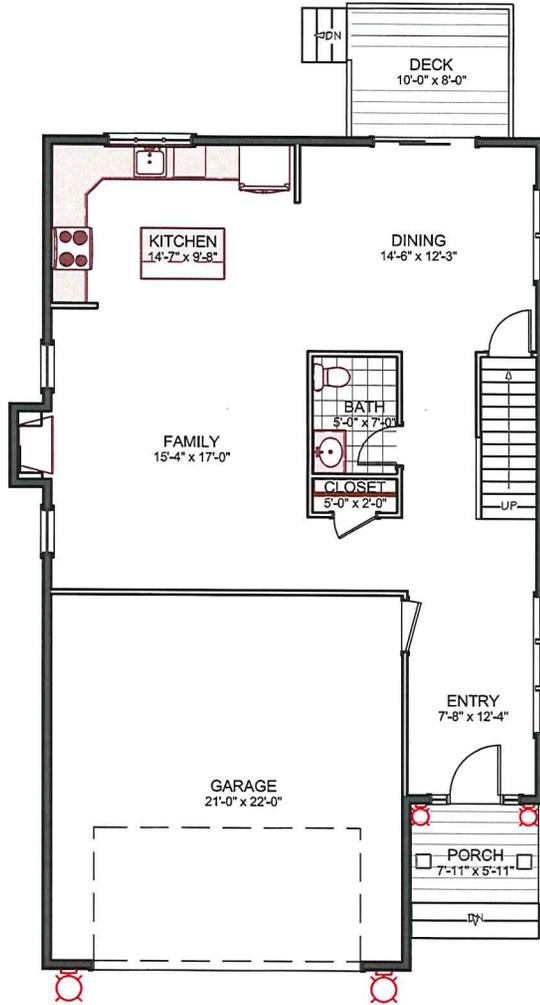


135 MAIN STREET
SUITE #5
MEDWAY MA 02053

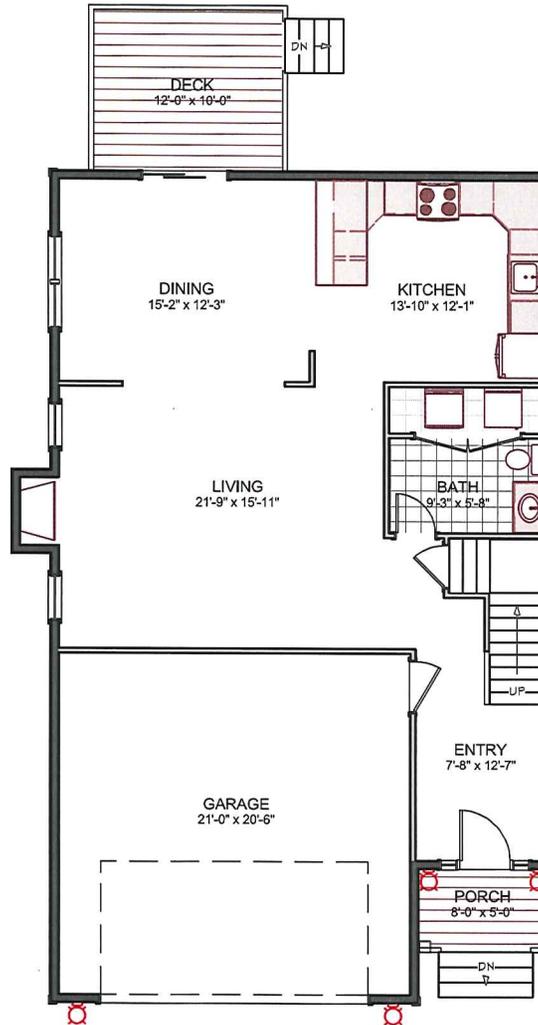
SUMMER STREET
PROPOSALS:
SECOND FLOOR PLAN
VARIATIONS

FIRST FLOOR PLAN 50' OPTIONS

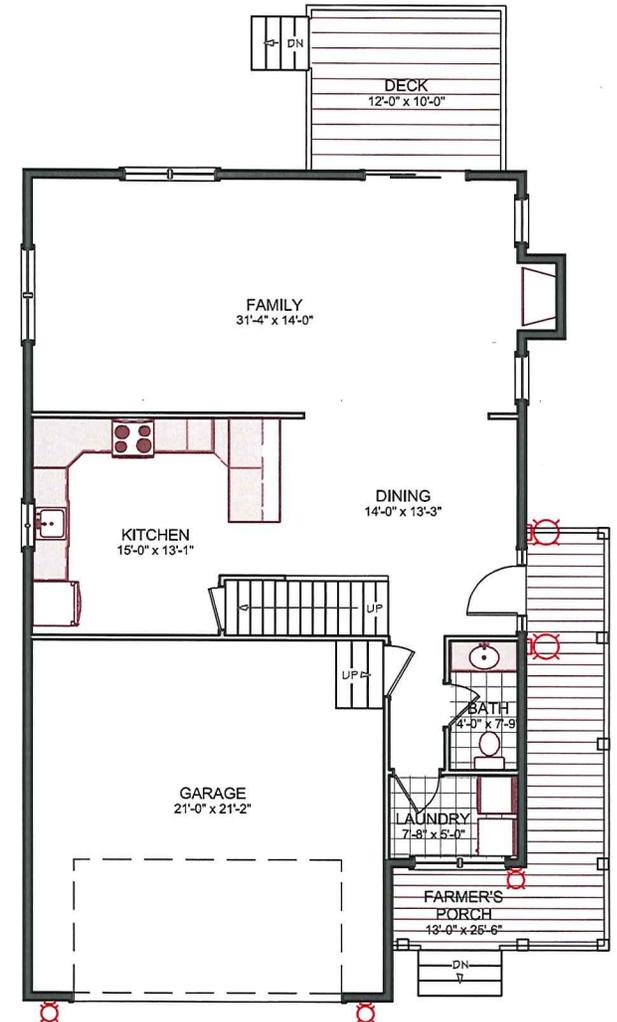
A) SECOND FLOOR MASTER
OPTION 1



B) SECOND FLOOR MASTER
OPTION 2



C) SECOND FLOOR MASTER
OPTION 3

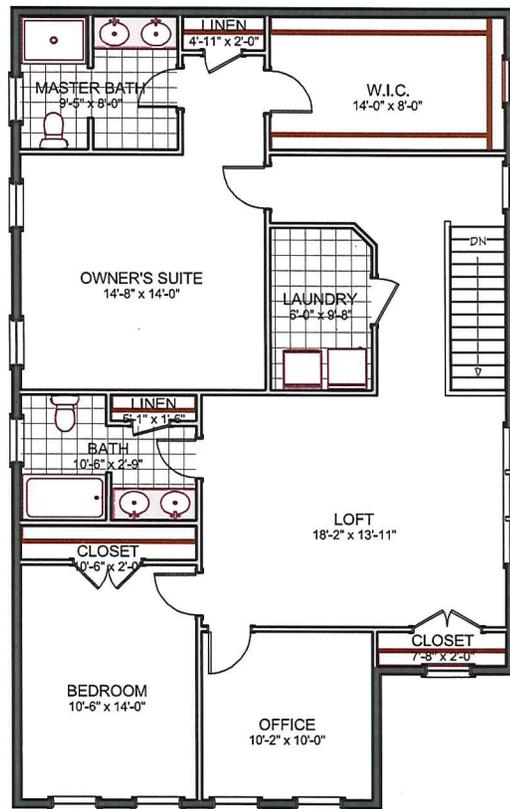


135 MAIN STREET
SUITE #5
MEDWAY MA 02053

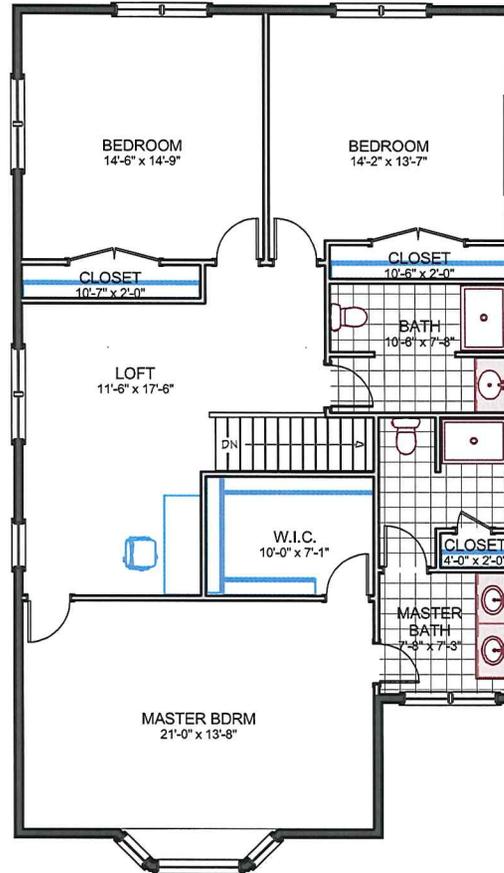
SUMMER STREET
PROPOSALS:
FIRST FLOOR PLAN
50' OPTIONS

SECOND FLOOR PLAN
50' DESIGN SAMPLING

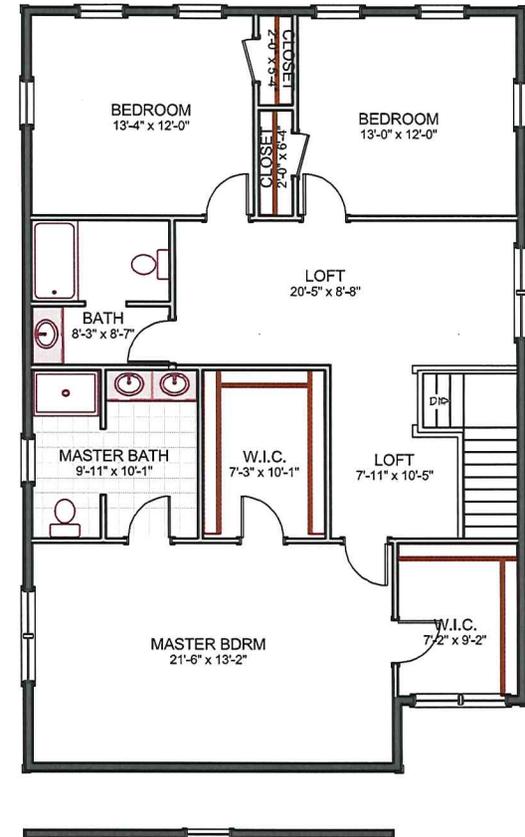
A) SECOND FLOOR MASTER
OPTION 1



B) SECOND FLOOR MASTER
OPTION 2



C) SECOND FLOOR MASTER
OPTION 3



135 MAIN STREET
SUITE #5
MEDWAY MA 02053

SUMMER STREET
PROPOSALS:
2nd FLOOR PLAN
50' OPTIONS



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 16-59

AUTHORIZATION FOR DISPOSITION (SALE) OF TOWN-OWNED LAND ON GROVE STREET (PORTION OF FORMER NU-STYLE PROPERTY)

WHEREAS, Town owns a parcel of land on Grove Street shown on a plan of land captioned "Plan of Land Grove Street and Old Grove Street Franklin, Massachusetts for Town of Franklin 355 East Central Street Franklin, Massachusetts December 7, 2015 Scale 1"=20" prepared by United Consultants, Inc. and recorded at Norfolk County Registry of Deeds in Plan Book 647 at Page 20, and

WHEREAS, Town Council, by Resolution 16-11, has previously declared Lot 2 shown on said plan to be surplus and available for disposition except for a twenty-foot wide sewer easement abutting Grove Street, shown on said plan, and

WHEREAS, pursuant to G.L. Chapter 30B, Section 16, Town previously obtained an appraisal and subsequently issued a Request for Proposal (RFP), on or about May 11, 2016, which RFP contained a minimum bid price of eighteen thousand dollars, and

WHEREAS, one prospective purchaser Jeffrey Jordan has submitted a responsive proposal to the RFP and the Town Council has evaluated said proposal.

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

1. Determines that the proposal of Jeffrey Jordan to pay the Town of Franklin the sum of Nineteen Thousand Dollars (\$19,000) for Lot 2 shown on the above-referenced plan, as more fully described in his proposal dated June 9, 2016, a copy of which is attached hereto as "Exhibit A", subject to the existing twenty-foot wide reserved easement for public sewer abutting Grove Street, shown on said plan, is advantageous to the Town and accepts same, subject to the provisions of the following paragraphs.
2. Votes to dispose of the subject property by selling it to Jeffrey Jordan for the sum of Nineteen Thousand Dollars (\$19,000), subject to the twenty-foot wide reserved easement to maintain existing public sewer shown on above-referenced plan of land, conditioned upon Jeffrey Jordan's execution, within sixty days, of a purchase and sales agreement containing terms and language consistent with Town's RFP and otherwise satisfactory to Town, to ensure Town's timely receipt of the full purchase price; without limiting the foregoing, the agreement shall provide for Town's sale of Lot #2 shown on

above-referenced plan to Jeffrey Jordan for nineteen thousand dollars, subject to the twenty-foot wide existing sewer easement abutting Grove Street, shown on said plan.

3. Directs the Town Administrator, with the assistance of the Town Attorney, to prepare and execute a purchase and sales agreement, deed and such other documents as he determines to be necessary to effectuate the sale of the subject property by Town to Jeffrey Jordan.

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

Dated: October _____, 2016

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

**Teresa M. Burr
Town Clerk**

ABSTAIN _____

ABSENT _____



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 16-60

ACCEPTANCE OF PRIVATE ROAD COVENANT WITH DEVELOPER OF RESIDENTIAL SUBDIVISION LOCATED IN WRENTHAM BUT ACCESSED FROM FRANKLIN

WHEREAS, the Franklin Planning Board on August 22, 2016 voted to approve with conditions the modification of a definite subdivision plan for a residential subdivision known as South Hill Estates, to provide access for an open space residential subdivision known as Ruby M. Wyllie Estates located in Wrentham, MA, which vote was filed with the Town Clerk on August 26, 2016; and

WHEREAS, said vote included conditions that the unnamed roadway which extends from Garnet Drive in Franklin to provide access to the above-described subdivision located in Wrentham, MA, together with related drainage and utilities be and remain private and that the private property owner(s) have the exclusive obligation to maintain and repair the same, as well as to remove snow therefrom; and

WHEREAS, Mark D. Aldo and Deborah T. Aldo are the owners of the subject property and have executed a covenant incorporating the foregoing conditions, a true copy of which is attached as "Exhibit 1",

NOW, THEREFORE, BE IT ORDERED that the Town of Franklin, acting by and through its Town Council, hereby authorizes the Town Administrator to execute the covenant, a copy of which is attached hereto as Exhibit 1, on behalf of the Town of Franklin.

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

DATED: _____, 2016

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Teresa M. Burr
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

Memorandum

To: Town Council

From: Jamie Hellen

Re: Municipal Veteran's Assistance Fund

A new state law, Chapter 141 of the Acts of 2016, passed by the Legislature and signed by the Governor this past July allows cities and towns to accept a state statute to create a Municipal Veteran's Assistance Fund.

The fund is intended to allow the Treasurer-Collector to add a check box of buck slip into property tax bills to allow residents to make donations into the fund for three purposes only:

1. Transportation
2. Food
3. Heat and oil assistance

The law also requires the city or town establish guidelines and an application process for veteran's to apply for assistance. See attached sample, draft guidelines and application from the Veteran's Services Officer.

If approved by the Council, the Treasurer-Collector will send out notice of the fund on the first property tax bill of 2017 as an introduction to the fund and an opportunity to make a donation. A second notice will go out in September 2017. In each subsequent year, only the September tax bills will have the donation slip in the property tax bills. The slip will only be incorporated in the property tax bills and will not be in excise tax bills. The staff felt we did not want to inundate the public too much and decided once a year. Individuals or other entities can make donations to the fund year round. A sample, draft buck slip is attached to this memo.

The cost is \$260.00 for one mailing to all taxpayers.

Payment options will include online, in person at the Senior Center or to the VSO in the Senior Center.

As always, I'm available for any questions.

Franklin Municipal Veteran's Assistance Fund

On October 19, 2016, the Franklin Town Council accepted the provisions of a new state law that allows the Town of Franklin to establish a Municipal Veteran's Assistance Fund. The funds raised will go toward three approved uses outlined in the state law – food, transportation, heat and oil – to assist Veteran's in need within the Town of Franklin. Funds are distributed to qualifying Franklin Veteran's through the Town's Veteran's Services Officer. Please see the back of this slip for payment options. Any questions may be directed to the Veteran's Services Department at 508-520-4973. We thank you for your support.

Individuals should consult with their tax consultant on tax deductible status

There are three ways to make a donation:

1. Online: www.franklinma.gov/onlinepayments
2. Check/Money Order: Please send payments to Franklin Municipal Veteran's Assistance Fund, 10 Daniel McCahill St, Franklin, MA 02038
3. In-person: Please visit the Veteran's Services Department at the Franklin Senior Center to make a donation in person.

**Make all checks and money orders payable to:
Town of Franklin MVA Fund**

Franklin Municipal Veterans' Assistance Funds

Requirements (Will follow 108 CMR 3.00 as closely as possible)

Residence: Veterans Service Officer (VSO) will make determination of the residence of an applicant

Military Service Requirements: Person must meet the eligibility requirements contained in M.G.L. c. 115 sections 1 & 6A. Discharge must have been under Honorable conditions.

Eligible Dependents: Spouse of the veteran; widow or widower of the veteran.

Documentation: The VSO may require any documentation deemed necessary to determine the eligibility and need of an applicant. These documents may include: lease, property tax bill or other documentation to determine residency; marriage license and or death certificate, separation decree, order for support, order for separate maintenance; birth certificate or adoption record; financial institution records; expense estimates and all other documents which the VSO may require.

Guidelines

- Funds will be paid to the service provider, not to the applicant.
- Funds will be provided for emergency/unusual expenses or circumstances.
- Assistance provided will be determined by the VSO. It is expected that the applicant will provide a portion of the expense.
- Repetitious requests will be approved only in extreme situations.
- Fuel assistance will be considered only after all other sources have been utilized.
- Transportation assistance will require pre-approval.
- Assistance for food will be based upon the verified number of dependents living in the household. The amount per person will be set at \$50 per week. Assistance will be provided for two weeks under usual situations.

"The Town of Franklin reserves its right to alter these guidelines at any time without prior notice."

Application for Assistance Franklin Municipal Veterans Assistance Funds

APPLICANT:

ADDRESS:

PHONE:

EMAIL:

DATE:

REQUEST:

SIGNATURE: _____ DATE: _____

VETERAN SERVICE OFFICER DECISION: _____

SIGNATURE: _____ DATE: _____



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 16-62

LOCAL ACCEPTANCE OF G.L. CHAPTER 60, SECTION 3F

WHEREAS, Section 12 of Chapter 141 of the Legislative Acts of 2016 added Section 3F to G.L. Chapter 60 and said Section 3F provides that any municipality which accepts its provisions may establish and fund a municipal veterans' assistance fund with voluntary taxpayer contributions for support of veterans and their dependents in need of immediate assistance with food, transportation, heat and oil expenses, as further provided in said statute.

NOW BE IT ORDERED that the Town of Franklin, acting by and through its Town Council, hereby accepts the provisions of G.L. Chapter 60, Section 3F, added by Section 12 of Chapter 141 of the Legislative Acts of 2016.

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

DATED: _____, 2016

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Teresa M. Burr
Town Clerk

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 16-63

DECLARATION OF TOWN-OWNED LAND (VACANT PARCEL OFF DAILEY DRIVE) AS SURPLUS AND AVAILABLE FOR DISPOSITION AND AUTHORIZATION TO SELL SAID PARCEL

WHEREAS, Town owns a triangular parcel of unimproved land containing approximately 1255.5 square feet (.029 acres) shown on Franklin Assessors Map 253 as Parcel 155 (Title reference: Norfolk County Registry of Deeds Book 6919, Page 730), and

WHEREAS, Town is not making use of said parcel for municipal purposes and has not done so since acquiring it, and

WHEREAS, said parcel, due to its size, shape and location has only a minimal monetary value.

NOW, THEREFORE, BE IT RESOLVED that the Town of Franklin, acting by and through its Town Council:

1. Declares the parcel of Town-owned land described above to be no longer needed for municipal purposes, and therefore to be surplus and available for disposition (sale).
2. Authorizes the Town Administrator to sell said parcel to the abutting property owner(s) thereof for a minimum purchase price of three hundred dollars (\$300) and to execute a deed conveying said parcel to said person(s) and to execute any other documents and to take any other action necessary to effectuate said transaction.

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

DATED: _____, 2016

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Teresa M. Burr
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council



TOWN OF FRANKLIN

RESOLUTION 16-64

Acceptance of Gift – Town of Franklin

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

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

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

DATED: , 2016

VOTED: _____

UNANIMOUSLY: _____

A TRUE RECORD ATTEST:

YES: ____ **NO:** ____

ABSTAIN: ____ **ABSENT:** ____

Teresa M. Burr
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council



TOWN OF FRANKLIN

RESOLUTION 16-65

Acceptance of Gift – Town of Franklin

WHEREAS, The Town of Franklin wishes to accept a gift of \$3,500 from Digital Federal Credit Union for the Franklin Police Department in support of the Police Department’s efforts in providing programs that will make a difference.

NOW THEREFORE, BE IT RESOLVED THAT: The Town Council of the Town of Franklin on behalf of the Police Department gratefully accepts this gift and thanks Digital Federal Credit Union for their continued support of the Franklin Police Department and their programs.

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

DATED: _____, 2016

VOTED: _____

UNANIMOUSLY: _____

A TRUE RECORD ATTEST:

YES: ____ **NO:** ____

ABSTAIN: ____ **ABSENT:** ____

Teresa M. Burr
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 16-66

OPPOSITION TO PASSAGE OF BALLOT QUESTION #4

BE IT RESOLVED that the Franklin Town Council hereby opposes the passage of Question #4: Legislation, Regulation and Taxation of Marijuana, as it appears on the official ballot for the State election to be held on November 8, 2016.

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

DATED: _____, 2016

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Teresa M. Burr
Town Clerk

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

Office of the Town Administrator



MEMORANDUM

Date: October 4, 2016
To: Businesses and Citizens 
From: Jeffrey Nutting, Town Administrator
Subject: Town Council to consider eliminating plastic bags from stores

The Town Council has been asked to consider eliminating thin plastic bags (less than 4.0 mil) from stores.

The attached draft bylaw will be considered at the October 19th meeting at 7:00 pm in the Town Council chambers of the Municipal Building, 355 East Central Street, Franklin.

If a plastic bag bylaw is adopted, it is proposed to take effect on July 1, 2017.

All citizens and businesses are welcome to attend and be heard on the matter.

You can also provide your comments in writing to Town Administrator, 355 East Central Street, Franklin or e-mail Jamie Hellen, Deputy Town Administrator at jhellen@franklin.ma.us



SPONSOR: Administration

**TOWN OF FRANKLIN
BYLAW AMENDMENT 16-774
NEW CHAPTER 130, PLASTIC CHECKOUT
BAG PROHIBITION BYLAW**

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN BY ADDING A NEW CHAPTER: CHAPTER 130 PLASTIC CHECKOUT BAG PROHIBITION.

Be it enacted by the Franklin Town Council that Chapter 130, Plastic Checkout Bag Prohibition is added in its entirety as follows to the Code of the Town of Franklin.

Chapter 130 Plastic Checkout Bag Prohibition
§130-1 Purpose and Intent.

Plastic bags are an environmental nuisance, adversely affect public health, and impair the overall quality of life for the Town's residents and visitors.

Because plastic bags are lightweight, they easily become airborne even when properly disposed of, littering waterways, state and private forests, bodies of water, roadsides and sidewalks. They clog storm drainage systems, contribute to aquatic and terrestrial pollution, and detract from the natural beauty of the Town for visitors and residents alike.

Plastic bags photodegrade, disintegrating into minute particles which absorb toxins and pose a threat to riparian and aquatic environments, contaminating the food chain, as well as water and soil. They are also detrimental to wildlife, killing tens of thousands of birds, aquatic and terrestrial organisms each year through ingestion and entanglement.

The vast majority of plastic bags are not recycled and recycling is not available through our Town's recycling program. Their disposal adds to the Town's waste management expense, both through the cost of disposing the bags through private firms and due to their contamination of the single-stream recycling system.

Plastic bag ordinances have proven to be effective in reducing plastic bag consumption and litter and are part of a growing global movement towards sustainability. Statewide, all the proposed bans have been passed and are in the process of being enforced.

The Town is committed to protecting the environment and the public health, safety, and welfare of its citizens. The goal of this bylaw is to reduce the common use of plastic checkout bags and to encourage the use of reusable bags by consumers, thereby reducing local land and aquatic pollution, advancing solid waste reduction, maintain the Town's exterior beauty and improving the quality of life for the citizens of the Town.

§130-2 Bylaw Definitions.

Checkout Bag: A carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

Grocery Store: A retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products.

Plastic Checkout Bag: Thin-film, single-use plastic bags typically with plastic handles, with a thickness of 4.0 mils or less, intended for single-use transport of purchased products.

Retail Store: An establishment that offers the sale and display of merchandise within a building.

Reusable Checkout Bag: A bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

§130-3 Use Regulations.

No retail or grocery store within the Town of Franklin shall provide a plastic checkout bag to any customer.

Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail or grocery stores are strongly encouraged to make reusable checkout bags available for sale to customers at a reasonable price.

Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, fresh produce, bulk foods, wet items and other similar merchandise, typically without handle, are still permissible.

§130-4 Violations and Enforcement.

Any retail or grocery store violating the prohibition contained in Section 130-3 of this bylaw shall be subject to a fine as follows:

<u>First Offense:</u>	<u>Warning</u>
<u>Second Offense:</u>	<u>\$ 50.00</u>
<u>Third and Subsequent Offenses:</u>	<u>\$100.00</u>

Office of the Town Administrator



MEMORANDUM

Date: September 30, 2016

To: Town Council

Cc: Bryan Taberner, AICP, Director

From: Jeffrey Nutting, Town Administrator 

Subject: Consideration to rezone land at the corner of Washington and Spring Street

As you are aware the owners of Hillside Nursery have requested a zoning change to allow for the expansion of the nursery to a more diverse establishment. This has been an ongoing discussion for over a decade. Based on many conversations we drafted a new zoning bylaw that would allow for a "country store". A country store would be limited to 3,500 square feet and it would be a requirement that one half of the area sell flowers, produce, etc. and the other part would accommodate "convenience items" as well as the potential for a small seating area.

We held an informal neighborhood meeting in August that was well attended. Some neighbors oppose the change of use for various reasons and others supported the idea and many made no comments.

At this point in time, I believe the Council should go through the process of a public hearing and make a decision once you have heard from all the concerned citizens.

I am happy to answer any questions you may have.

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

355 EAST CENTRAL STREET, ROOM 120
FRANKLIN, MA 02038-1352
TELEPHONE: 508-520-4907
FAX: 508-520-4906

MEMORANDUM

TO: JEFFREY D. NUTTING, TOWN ADMINISTRATOR
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: CREATION OF PROPOSED RURAL BUSINESS (RB) ZONING DISTRICT,
BYLAW AMENDMENTS 16-768, 16-769, 16-770, 16-771, 16-772, & 16-773
CC: FRANKLIN PLANNING BOARD
JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR
DATE: SEPTEMBER 28, 2016

To create a new Rural Business Zoning District where a Country Store would be allowed within a primarily residential area, Franklin Town Council will need to approve six zoning bylaw amendments. A summary of the proposed zoning bylaw amendments is provided below. The amendment documents were developed considering the substantial public input received during August 2016.

Zoning Bylaw Amendment 16-768: Districts Enumerated. Creation of Rural Business Zoning District.

The Zoning Amendment would add a new "Rural Business" (RB) zoning district description to Section 185-4 of the Town's Zoning Bylaw. The proposed zoning district description is as follows:

The Rural Commercial District (RB) is intended primarily for low-intensity commercial uses located in or within close proximity to primarily residential neighborhoods, providing retail and agricultural services to the surrounding community. The district is further classified by rural neighborhood design concepts consistent with the character of the community, complementary in scale and appearance with the surrounding neighborhood, with low luminescent lighting fixtures, densely planted property borders, and pedestrian scaled signage with external illumination.

Zoning Bylaw Amendment 16-769: Definitions. Country Store

The Zoning Amendment would add the following definition for "Country Store" to Section 185-3 of the Zoning Bylaws:

A retail sales establishment, consisting of one building not to exceed 3,500 square feet, selling retail items such as fresh fruits, vegetables, flowers, herbs, plants, gifts and crafts. The accessory sale of prepackaged retail foods, not made on premises, including baked goods, sandwiches, snack bar items, coffee, tea, preserved and imported foodstuffs is also allowed. A country store may sell a limited range of dry goods and convenience items to consumers, which shall not exceed 50% of the floor area open to the public. Up to twenty

(20) seats are allowed for interior and exterior seating. More than twenty seats shall require a Special Permit. Interior seating shall not exceed 10% of the floor area open to the public. Motor vehicle services, sales of outside petroleum products, Lottery, and sale of tobacco and alcoholic beverages, other than beer and wine, are not allowed.

Zoning Bylaw Amendment 16-770: Rural Business Zone Use Regulations

The Zoning Amendment would add the Rural Business zoning district to the Use Regulation Schedules (Attachments 2 through 8) of the Zoning Bylaws. Proposed uses allowed in the new Rural Business zoning district are similar to what is currently allowed in the Rural Residential I zone. Uses allowed by right or special permit are as follows:

- Residential Uses: Single Family only.
- Commercial Uses: Nursery/Greenhouse, Agricultural uses (but no livestock or poultry), and Country Store. A Country Store would require a Planning Board Special Permit.
- Accessory Uses: Professional Office/Studio, Retail Sales/Services (not to exceed 50% of floor area open to public), Storage and Distribution of Landscape Materials (seasonal only).
- Pre-existing non-conforming uses.

Zoning Bylaw Amendment 16-771: Rural Business Zone Dimensional Regulations

The Zoning Amendment would add the Rural Business (RB) zoning district to the Dimensional Regulations Schedule (Attachment 9) of the Zoning Bylaws. Proposed dimensional regulations are as follows:

- Minimum lot size is the same as the Rural Residential I zone (40,000 sf).
- Minimum frontage is the same as the Rural Residential I zone (200 feet).
- Minimum setbacks are similar to the Rural Residential I zone.
- Building height is less than allowed in the Rural Residential I zone: 1.5 floors, with a maximum height of 30 feet.
- Maximum impervious surface is less than allowed in the Rural Residential I zone.
 - The maximum gross building footprint of non-residential primary use structures is 3,500 square feet. Note: A Country Store would be a primary use structure.
 - A maximum of 10% of a parcel's upland can contain structures, and another 20% of the parcel's upland can be used for paving. Maximum of 30% of a parcel's upland can be impervious surface.

Zoning Bylaw Amendment 16-772: Rural Business Zone Sign Regulations

The Zoning Amendment would regulate the size of signs within the Rural Business zoning district; the maximum size of signage within the new district would be the same as those allowed in the Downtown Commercial Sign District.

Zoning Bylaw Amendment 16-773: Zoning Map Changes From Rural Residential I to Rural Business an Area on Washington Street

The Zoning Amendment would add one parcel on Washington Street (parcel 323-028-000) to the new Rural Business zoning district.

Please let me know if additional information is required for next week's Town Council meeting.

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 16-768

DISTRICTS ENUMERATED. CREATION OF RURAL BUSINESS ZONING DISTRICT

**A ZONING BY-LAW TO AMEND 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 the following text at §185-4. Districts Enumerated:

- A. For the purposes of this chapter, the Town of Franklin is hereby divided into the following types of districts:

Rural Residential I (RRI)

Rural Residential II (RRII)

Single-Family Residential III (SFRIII)

Single-Family Residential IV (SFRIV)

General Residential V (GRV)

Residential VI (RVI)

Residential VII (RVII)

Commercial I (CI)

Commercial II (CII)

Business (B)

Industrial (I)

Limited Industrial (LI)

Neighborhood Commercial (NC)

Office (O)

Downtown Commercial (DC)

Rural Business (RB)

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

C. Intent of districts. The intent of the zoning districts is as follows: (Please refer to the Table of Use for specific uses as they relate to each zoning district.)

- (1) The Rural Residential Districts (RRI, RRII) are intended primarily for single-family residential uses in a rural and semi-rural environment. Agricultural uses are generally permitted. Generally, commercial and industrial uses are not permitted.
- (2) The Single-Family Residential Districts (SFRIII, SFRIV) are intended primarily for single-family residential uses in a semi-rural and suburban environment. Two-family residential uses may be permitted in some areas. Generally commercial and industrial uses are not permitted; however, limited commercial uses may be permitted in some areas.
- (3) The General Residential V District (GRV) is intended primarily for single-family and two-family residential uses in a suburban downtown environment. Multifamily and apartment uses may also be permitted. In addition, certain commercial uses may be permitted, but most nonresidential uses are not allowed.
- (4) The Residential VI District (RVI) is intended primarily for multifamily and apartment residential uses in a suburban environment. Limited commercial uses may be permitted. See §185-38. Multifamily and flexible development zoning bylaw for further requirements of the Residential VI District.
- (5) The Residential VII District (RVII) is intended primarily for single-family residential uses in a semi-rural environment. Multiple, single-family dwelling units may be permitted. Preservation of open space is encouraged and most nonresidential uses are not allowed. Please see §185-50. Residential VII for further requirements of the RVII District.
- (6) The Commercial I District (CI) is intended primarily for office, retail, service, trade, restaurant, and other commercial uses in a downtown environment. Limited industrial uses may be permitted. Single-family, two-family and multifamily and apartment residential uses may also be allowed.
- (7) The Commercial II District (CII) is intended primarily for office, retail, service, trade, restaurant, and other commercial uses and limited industrial uses in a suburban commercial environment. Single-family and two-family residential uses may also be permitted.
- (8) The Business District (B) is intended primarily for nonresidential uses such as office, retail, service, trade, restaurant, and other commercial uses with some limited industrial uses in a suburban commercial environment.
- (9) The Office District (O) is intended primarily for office parks, business uses, limited commercial and light industrial uses. Industrial uses such as warehouse and manufacturing are not permitted except as an accessory use. Residential uses are not permitted.
- (10) The Industrial District (I) is intended primarily for light and medium industrial uses, warehouse and distribution uses, and business uses. Some commercial uses may be permitted but residential uses are not permitted.

- (11) The Limited Industrial District (LI) is intended primarily for light industrial service, trade and limited business uses. In addition, accessory office and retail uses may be permitted. Residential uses are not allowed.
- (12) The Neighborhood Commercial District (NC) is intended primarily for low-intensity commercial uses located in or within close proximity to primarily residential neighborhoods providing retail and personal services which serve the surrounding neighborhood. Industrial uses are not allowed. The District is further classified by its neighbor- and pedestrian-friendly design concepts including low luminescent lighting fixtures, visibly obscured parking areas, densely planted property borders, nonintrusive architecture and pedestrian scaled signage with external illumination.
- (13) The Downtown Commercial District (DC) is intended as a mixed use, transit-oriented commercial district which combines first floor commercial uses with upper floor office or multi-unit residential uses. An emphasis is placed on commercial uses like restaurants and retail that support an economically rich downtown environment.
- (14) The Rural Business District (RB) is intended primarily for low-intensity commercial uses located in or within close proximity to primarily residential neighborhoods, providing retail and agricultural services to the surrounding community. The district is further classified by rural neighborhood design concepts consistent with the character of the community, complementary in scale and appearance with the surrounding neighborhood, with low luminescent lighting fixtures, densely planted property borders, and pedestrian scaled signage with external illumination.

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

DATED: _____, 2016

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

**Teresa Burr
Town Clerk**

ABSENT _____

Judith Pond Pfeffer, Clerk

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 16-769
DEFINITIONS. COUNTRY STORE**

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, SECTION 3.**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by adding the following text at §185-3 Definitions:

COUNTRY STORE - A retail sales establishment, consisting of one building not to exceed 3,500 square feet, selling retail items such as fresh fruits, vegetables, flowers, herbs, plants, gifts and crafts. The accessory sale of prepackaged retail foods, not made on premises, including baked goods, sandwiches, snack bar items, coffee, tea, preserved and imported foodstuffs is also allowed. A country store may sell a limited range of dry goods and convenience items to consumers, which shall not exceed 50% of the floor area open to the public. Up to twenty (20) seats are allowed for interior and exterior seating. More than twenty seats shall require a Special Permit. Interior seating shall not exceed 10% of the floor area open to the public. Motor vehicle services, sales of outside petroleum products, Lottery, and sale of tobacco and alcoholic beverages, other than beer and wine, are not 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: _____, 2016

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

ABSTAIN _____

**Teresa Burr
Town Clerk**

ABSENT _____

**Judith Pond Pfeffer, Clerk
Town Council**

Sponsor: *Administration*

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 16-770

RURAL BUSINESS ZONE USE REGULATIONS

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE 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** 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.

Principal Uses	District													
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	<u>RB</u>	CI	CII	DC	B	I	LI	O
1. Agriculture, horticulture and floriculture														
1.1 Nursery, greenhouse	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	N	Y	Y	N	Y
1.2 Produce stand ¹	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	Y	N	Y
1.3 Other, parcel of 5 or more acres	Y	Y	Y	Y	Y	Y	<u>Y</u>	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	<u>N</u>	N	N	N	N	N	N	N
b. With other livestock or poultry	Y ²	Y ²	N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
c. With no livestock	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	Y	N	Y
1.5 Garden Center, Retail or Wholesale	PB	PB	PB	PB	PB	PB	<u>PB</u>	PB	Y	N	Y	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 RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	<u>RB</u>	CI	CII	DC	B	I	LI	O
2. Commercial														
2.1 Adult entertainment establishment	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N ²	N	N
2.2 Animal kennel, hospital	BA	BA	BA	BA	BA	BA	<u>N</u>	BA	BA	N	BA	BA	BA	BA
2.21 Animal day care, training	BA	BA	BA	BA	BA	BA	<u>N</u>	BA	BA	N	BA	BA	BA	BA
2.22 Animal grooming	BA	BA	BA	BA	BA	BA	<u>N</u>	Y	BA	Y	BA	BA	BA	BA
2.3 Office, excluding office parks:														
a. Bank or credit union	N	N	PB	PB	PB	PB	<u>N</u>	Y	Y	Y	Y	Y	Y	Y
b. Medical or dental	PB	PB	PB	PB	PB	PB	<u>N</u>	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP
c. Professional	PB	PB	PB	PB	PB	PB	<u>N</u>	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP
d. Clerical, or administrative	N	N	N	PB	PB	PB	<u>N</u>	Y ⁶	Y	Y	Y	Y	Y	Y
2.4 Funeral home, undertaking	N	N	N	N	N	P/SP	<u>N</u>	P/SP	P/SP	P/SP	P/SP	N	N	N
2.5 Hotel, motel	N	N	N	N	N	N	<u>N</u>	PB	PB	Y	PB	PB	PB	PB
2.6 Motor vehicle, boat, farm implement sales; rental and leasing:														
a. With repair service	N	N	N	N	N	N	<u>N</u>	N	PB	N	N	N	N	N
b. Without repair service	N	N	N	N	N	N	<u>N</u>	N	PB	N	PB	N	N	N
c. Other	N	N	N	N	N	N	<u>N</u>	N	PB	N	N	N	N	N
2.7 Motor vehicle service, repair:														
a. Auto body, painting, soldering, welding	N	N	N	N	N	N	<u>N</u>	N	PB	N	N	PB	N	N
b. Filling or service station	N	N	N	N	N	N	<u>N</u>	PB	PB	N	PB	PB	N	N
c. Other	N	N	N	N	N	N	<u>N</u>	PB	PB	N	PB	PB	N	N
2.8 Parking														
a. Parking facility	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
b. Off-street parking	N	N	N	N	N	N	<u>N</u>	N	N	PB	N	N	N	N
2.9 Restaurant, bar	N	N	N	N	N	<u>N</u>	<u>N</u>	P/SP ³	P/SP	P/SP ³	P/SP	PB	N ⁴	PB

185 Attachment 3
USE REGULATION SCHEDULE
PART II (Continued)

Principal Uses	District													
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	<u>RB</u>	CI	CII	DC	B	I	LI	O
2.10 Shopping center	N	N	N	N	N	N	<u>N</u>	PB	PB	N	PB	N	N	N
2.11 Storage facility	N	N	N	N	N	N	<u>N</u>	N	PB	N	N	N	N	N
2.12 Tattoo parlor/body-piercing studio	N	N	N	N	N	N	<u>N</u>	N	N	N	N	PB	N	N
2.13 Tourist home	PB	PB	P/SP	P/SP	P/SP	P/SP	<u>N</u>	P/SP	P/SP	N	P/SP	N	N	N
2.14 Office park	N	N	N	N	N	PB	<u>N</u>	PB	PB	N	PB	PB	N	Y
2.15 Other retail sales, services														
a. General	N	N	N	N	N	N	<u>N</u>	P/SP	P/SP	P/SP	P/SP	N ⁴	N ⁴	N ⁴
b. Personal	N	N	N	N	N	P/SP ⁵	<u>N</u> ⁴	P/SP	P/SP	P/SP	P/SP	N ⁴	N ⁴	N ⁴
c. Other	N	N	N	N	N	N	<u>N</u>	P/SP	P/SP	P/SP	P/SP	N ⁴	N ⁴	N ⁴
2.16 Vehicular service establishment	N	N	N	N	N	N	<u>N</u>	PB	PB	PB	PB	N	N	N
2.17 Trade center	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	P/SP	PB
2.18 Catering	PB	PB	PB	PB	PB	PB	<u>N</u>	PB	PB	PB	PB	Y	Y	N
2.19 Function Hall	PB	N	PB	PB	PB	PB	<u>N</u>	PB	PB	PB	PB	Y	Y	N
2.20 Psychic services/fortune-telling	N	N	N	N	N	PB	<u>N</u>	N	N	N	N	PB	N	N
2.21 Bed-and-breakfast	PB	PB	P/SP	P/SP	P/SP	P/SP	<u>N</u>	P/SP	P/SP	P/SP	P/SP	N	N	N
2.22 Country Store	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>PB</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>

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. Not allowed on sidewalk level in multilevel development.

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.

Principal Uses	District													
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	<u>RB</u>	CI	CII	DC	B	I	LI	O
3. Industrial, utility														
3.1 Bus, railroad station	N	N	N	N	N	N	<u>N</u>	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP
3.2 Contractor's yard														
a. Landscape materials storage and distribution	N	N	N	N	N	N	<u>N</u> ⁷	N	N	N	N ⁷	P/SP	N	N
b. Other	N	N	N	N	N	N	<u>N</u>	N	N	N	N ⁷	P/SP	N	N
3.3 Earth removal														
a. Earth removal, commercial ^{3,5,6}	N	N	N	N	N	N	<u>N</u>	BA	BA	N	BA	BA	BA	BA
b. Earth removal, other ^{3,4}	BA	BA	BA	BA	BA	BA	<u>BA</u>	BA	BA	BA	BA	BA	BA	BA
c. Rock quarrying	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
d. Washing, sorting and/or crushing or processing of materials	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
e. Production of concrete	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
f. Production of bituminous concrete	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
3.4 Lumberyard	N	N	N	N	N	N	<u>N</u>	N	N	N	N	PB	N	N
3.5 Manufacturing and Processing:														
a. Biotechnology ¹	N	N	N	N	N	N	<u>N</u>	N	N	N	N	Y	N	Y
b. Light	N	N	N	N	N	N	<u>N</u>	PB	PB	PB	PB	S/SP	N	PB
c. Medium	N	N	N	N	N	N	<u>N</u>	N	N	N	N	P/SP/	N	N
d. Heavy	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
3.6 Printing, publishing:														
a. Under 5,000 square feet	N	N	N	N	N	N	<u>N</u>	P/SP	P/SP	P/SP	P/SP	P/SP	N ⁴	P/SP
b. Over 5,000 square feet	N	N	N	N	N	N	<u>N</u>	N	N	N	P/SP	P/SP	N	PB
3.7 Public utility	P/SP	P/SP	P/SP	P/SP	P/SP	N	<u>N</u>	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP
a. Electric power plant	N	N	N	N	N	N	<u>N</u>	N	N	N	N	BA	N	N
3.8 Research and development:														
a. Biotechnology ¹	N	N	N	N	N	N	<u>N</u>	N	N	N	N	PB ²	N	PB ²
b. Others	N	N	N	N	N	N	<u>N</u>	N	N	N	P/SP	P/SP	N	P/SP
3.9 Solid waste facility	N	N	N	N	N	N	<u>N</u>	N	N	N	N	BA	N	N
3.10 Warehouse, distribution facility	N	N	N	N	N	N	<u>N</u>	N	N	N	PB	Y	N	N ⁷
3.11 Wholesale office, salesroom:														
a. With storage	N	N	N	N	N	N	<u>N</u>	N	P/SP	N	P/SP	P/SP	N	N ⁷
b. Without storage	N	N	N	N	N	N	<u>N</u>	P/SP	P/SP	P/SP	P/SP	Y	N ⁷	N ⁷
3.12 Conference center	N	N	N	N	N	N	<u>N</u>	N	PB	N	PB	PB	P/SP	PB

NOTES:

- Subject to § 185-42.
- Biotechnology uses are permitted in the portions of the Industrial District and Office District which are in the Biotechnology Uses Overlay District.
- See § 185-23, specifically, § 185-23A, Exemptions.
- See § 185-44, "Administration and enforcement," for general special permit filing information, and § 185-23, Earth removal regulations, for specific filing information.
- Any commercial earth removal is not permitted within a Water Resource District.
- See § 185-3 for "commercial earth removal" definition.
- Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule, Part VII, Accessory Uses.

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.

Principal Uses	District													
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	<u>RB</u>	CI	CII	DC	B	I	LI	O
4. Institutional														
4.1 Cemetery	Y	Y	Y	N	N	N	<u>N</u>	N	N	N	N	N	N	N
4.2 Hospital	N	N	N	N	N	N	<u>N</u>	N	PB	N	PB	PB	N	N
a. Medical Marijuana Treatment Facility	N	N	N	N	N	N	<u>N</u>	N	N	N	N	Y ⁴	N	N
b. Medical Marijuana Testing Facility	N	N	N	N	N	N	<u>N</u>	N	N	N	N	Y ⁴	N	N
4.3 Charitable institution	N	N	N	PB	PB	N	<u>N</u>	Y	Y	PB	N	N	N	N
4.4 Correctional facility	N	N	N	N	N	N	<u>N</u>	N	N	N	N	BA	N	N
4.5 Library, museum, art gallery	N	Y	Y	Y	N	N	<u>N</u>	Y	Y	Y	Y	N	N	N
4.6 Lodge, social nonprofit ¹	N	N	N	N	N	N	<u>N</u>	Y	Y	Y	Y	N	N	N
4.7 Public use	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	N ³	N	N ³
a. Municipal public safety	Y	Y	Y	Y	Y	Y	<u>Y</u>	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	<u>Y</u>	Y	Y	Y	Y	Y	Y	Y
b. Dormitories	N	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	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. Except for municipal public safety.
4. Medical Marijuana Treatment Facilities and Testing Facilities are permitted in portions of the Industrial Zone which are in the Medical 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 RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	<u>RB</u>	CI	CII	DC	B	I	LI	O
5. Recreational														
5.1 Indoor commercial amusement, recreation, assembly ¹														
a. General	N	PB	PB	PB	PB	PB	<u>N</u>	Y	Y	PB	Y	N	N	N
b. Concentrated	N	N	N	N	N	N	<u>N</u>	PB	Y	PB	Y	N	N	N
5.2 Golf course and/or club, public or private	PB	PB	N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
5.3 Movie theater	N	N	N	N	N	N	<u>N</u>	Y	PB	Y	PB	N	N	N
5.4 Outdoor commercial amusement, recreation														
a. Light	Y	Y	Y	Y	Y	Y	<u>N</u>	Y	Y	Y	Y	Y	N	N
b. General	PB	PB	PB	PB	N	N	<u>N</u>	Y	Y	N	Y	Y	N	N
c. Concentrated	N	N	N	N	N	N	<u>N</u>	N	PB	N	PB	N	N	N
5.5 Equestrian center	BA	BA	N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
5.6 Public recreation	Y	Y	Y	Y	Y	N	<u>N</u>	Y	Y	Y	Y	N	N	N
5.7 Automatic amusement device arcades	N	N	N	N	N	N	<u>N</u>	N	Y	N	N	N	N	N
5.8 Health club	N	N	N	N	N	N	<u>N</u>	Y	Y	Y	Y	Y	N ²	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.

Principal Uses	District													
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O
6. Residential														
6.1 Multifamily or apartment	N ¹	N	N	PB ³	PB ⁴	<u>N</u>	PB ³	N	Y ^{5,6}	N	N	N	N	PB ^{7,8}
6.2 Single-family	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	N	N	N	N	N	N
6.3 Two-family														
a. New	N	N	Y ²	Y ²	Y ²	<u>N</u>	Y	Y	N	N	N	N	N	N
b. By conversion	BA	BA	BA	Y	Y	<u>N</u>	BA	Y	BA	N	N	N	N	N

NOTES:

1. Except PB in RVI District. (See § 185-38.)
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 1,000 square feet of lot area may be permitted.
4. No more than one dwelling unit per 3,000 square feet of lot area may be permitted.
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.

Principal Uses	Accessory Uses	District													
		RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O
A1	Boarding	N		Y	Y	Y	Y	<u>N</u>	Y	Y	N	N	N	N	N
A2	Contractor's yard	N		N	N	N	N	<u>N</u>	N	N	N	Y	Y	N	N
	a. Landscape materials storage and distribution	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u> ³	<u>Y</u> ³	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>
A3	Home occupation (See § 185-39B.)	Y		Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	N	N	N
A4	Manufacture, assembly, packing of goods sold on premises	N		N	N	N	Y ¹	<u>N</u>	Y ¹	Y ¹	Y ¹	Y	Y	N	Y ¹
A5	Off-street parking (See § 185-39C.)	Y		Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	Y	Y	Y
A6	Professional office, studio (See § 185-39A.)	Y		Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	N	Y	Y
A7	Restaurant, bar	N		N	N	N	N	<u>N</u>	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	<u>N</u>	Y	Y	Y	Y	Y ²	N	Y ²
A9	Scientific use in compliance with § 185-37	BA		BA	BA	BA	BA	<u>N</u>	BA	BA	BA	Y	Y	Y	Y
A10	Signs (See § 185-20.)	Y		Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	Y	Y	Y
A11	Single-family dwelling for personnel required for safe operation	Y		Y	Y	Y	Y	<u>N</u>	Y	Y	N	Y	Y	Y	Y
A12	Other customary accessory uses	Y		Y	Y	Y	Y	<u>N</u>	Y	Y	Y	Y	Y	Y	Y
A13	Other retail sales, services	N		N	N	N	Y	<u>N</u> ⁴	Y	Y	Y	Y	Y	Y	Y
A13.1	Animal grooming	BA		BA	BA	BA	BA	<u>N</u>	Y	BA	Y	BA	BA	BA	BA
A14	Operation of not more than 5 automatic amusement devices	N		N	N	N	N	<u>N</u>	N	Y	Y	Y	Y	N	N
A15	Warehouse/distribution facility	N		N	N	N	N	<u>N</u>	N	Y	N	Y	Y	N	Y
A16	Wholesale office, salesroom														
	a. With storage	N		N	N	N	N	<u>N</u>	Y	Y	Y	Y	Y	N	Y
	b. Without storage	N		N	N	N	N	<u>N</u>	Y	Y	Y	Y	Y	Y ³	Y
A17	Catering	N		N	PB	PB	PB	<u>N</u>	Y	Y	Y	Y	Y	Y	Y
A18	Function hall	N		N	PB	PB	PB	<u>N</u>	Y	Y	Y	Y	Y	Y	Y

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.

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

DATED: _____, 2016

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

**Teresa Burr
Town Clerk**

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk

Sponsor: *Administration*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 16-771
RURAL BUSINESS ZONE DIMENSIONAL REGULATIONS
A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE 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:

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	25	35
Single Family Residential III	20,000	125	160	112.5	40	25	30	3	35	30	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	30	35
Neighborhood Commercial	18,000	100	100	90	20	30	40	3	35	30	35
Rural Business ¹⁵	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
Commercial I ⁷	5,000	50	50	45	20 ¹	0 ²	15	3 ⁶	40 ⁶	90	100
Commercial II	40,000	175	200	157.5	40	30	30	3	40	70	80
Business	20,000	125	160	112.5	40	20	30	3	40	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 Up to 5 stories and/or 60 feet, whichever is greater, 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. Mixed use buildings are exempt from this requirement.

⁸ Increase by 1.5 the common building height of a structure, when abutting a residential district or use.

⁹ Up to 4 stories and/or 50 feet, whichever is less, 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

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

DATED: _____, 2016

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

**Teresa Burr
Town Clerk**

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk

Sponsor: *Administration*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 16-772
RURAL BUSINESS ZONE SIGN REGULATIONS
A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, ATTACHMENTS 10: SCHEDULE OF PERMITTED
SIGNS PER SIGN DISTRICT:**

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, Attachments 10: Schedule of Permitted Signs Per Sign District:

Attachment 10
Schedule of Permitted Signs Per Sign District

	Downtown Commercial District²	Commercial Business Corridor District	Industrial - Office Park District	Residential District
Wall Signs				
First Floor Storefront Facing Street	No more than 24 Sq.Ft. or 10% of Front Façade ¹	No more than 48 Sq.Ft. or 2 Sq.Ft. per Linear Ft of Frontage ¹	No more than 60 Sq.Ft.	No more than 15 Sq.Ft. for a business with a Special Permit or Variance No more than 10 Sq.Ft. for Home Occupation or Professional Office All others no more than 3 Sq.Ft.
First Floor Storefront Facing Street Corner	No more than 36 Sq.Ft. or 15% of 1 Façade Divided into 2 ¹	No more than 64 Sq.Ft. Divided into 2 Signs	No more than 90 Sq.Ft. Divided into 2 Signs	No more than 23 Sq.Ft. divided into 2 Signs for a business with Special Permit or All others not permitted
Upper Floors Facing Street	Not Permitted	No more than 6 Sq.Ft.	Not Permitted	Not Permitted
Freestanding Signs				
Single or Multiple Entity	No more than 40 Sq.Ft. and No More Than 14 Ft. High	No more than 60 Sq.Ft. and No More Than 20 Ft. High	No more than 60 Sq.Ft. and No More Than 25 Ft. High	No more than 20 Sq.Ft. and No more than 6 Ft. high for a business with Special Permit or Variance All Others Not Permitted
Window Signs				
First Floor Facing Street	No more than 6 Sq.Ft. or 10% of Window Surface ¹	No more than 6 Sq.Ft. or 10% of Window Surface ¹	No more than 6 Sq.Ft. or 10% of Window Surface ¹	Not Permitted
Upper Floors Facing Street	No more than 4 Sq.Ft. or 10% of Window Surface ¹	No more than 20% of Window Surface	No more than 20% of Window Surface	Not Permitted
Door Sign	No more than 2 Sq.Ft.	No more than 2 Sq.Ft.	No more than 2 Sq.Ft.	No more than 2 Sq.Ft.
Reader Boards				
Attached to Freestanding Sign	Manual with no more than 3 Lines of Text	Manual with no more than 3 Lines of Text	Manual with no more than 3 Lines of Text	Not Permitted
Awning or Canopy Signs				
First Floor	No more than 10 Sq.Ft. of Signage	No more than 10 Sq.Ft. of Signage	No more than 10 Sq.Ft. of Signage	No more than 10 Sq.Ft. of Signage
Upper Floors	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Off-Site Signs				
Freestanding or Wall	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Temporary Signs				
Non-Profits and Charities	Check for Availability of Town Display	Check for Availability of Town Display	Check for Availability of Town Display	Check for Availability of Town Display
All Other Temporary Signs	See §185-20.(D)	See §185-20.(D)	See §185-20.(D)	See §185-20.(D)
Public Use and Safety Signs				
All Sign Types	Permitted	Permitted	Permitted	Permitted
Political Signs				
Signs Expressing a Political Opinion	No more than 16 Sq.Ft.	No more than 16 Sq.Ft.	No more than 16 Sq.Ft.	No more than 16 Sq.Ft.
Signs Promoting a Candidate or Issue	No more than 16 Sq.Ft. Displayed for no more than 7 Days After Vote	No more than 16 Sq.Ft. Displayed for no more than 7 Days After Vote	No more than 16 Sq.Ft. Displayed for no more than 7 Days After Vote	No more than 16 Sq.Ft. Displayed for no more than 7 Days After Vote

NOTES

¹ Whichever is Smaller

² The Rural Business Zoning District has the same sign regulations as the Downtown Commercial Sign 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: _____, 2016

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

**Teresa Burr
Town Clerk**

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk

SPONSOR: Administration

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 16-773
ZONING MAP CHANGES FROM RURAL RESIDENTIAL I TO RURAL
BUSINESS AN AREA ON WASHINGTON STREET
A ZONING BY-LAW AMENDMENT TO THE CODE OF THE TOWN OF
FRANKLIN AT CHAPTER 185 SECTION 5, ZONING MAP**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

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

By changing from Rural Residential I to Rural Business an area containing 4.749± acres, comprising of the following parcel of land as shown on the Town of Franklin's Assessor's Maps: Parcel Number 323-028-000.

The area to be rezoned is shown on the attached zoning map ("Zoning Map - Rural Residential I to Rural Business").

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

DATED: _____, 2016

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

**Teresa Burr
Town Clerk**

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk

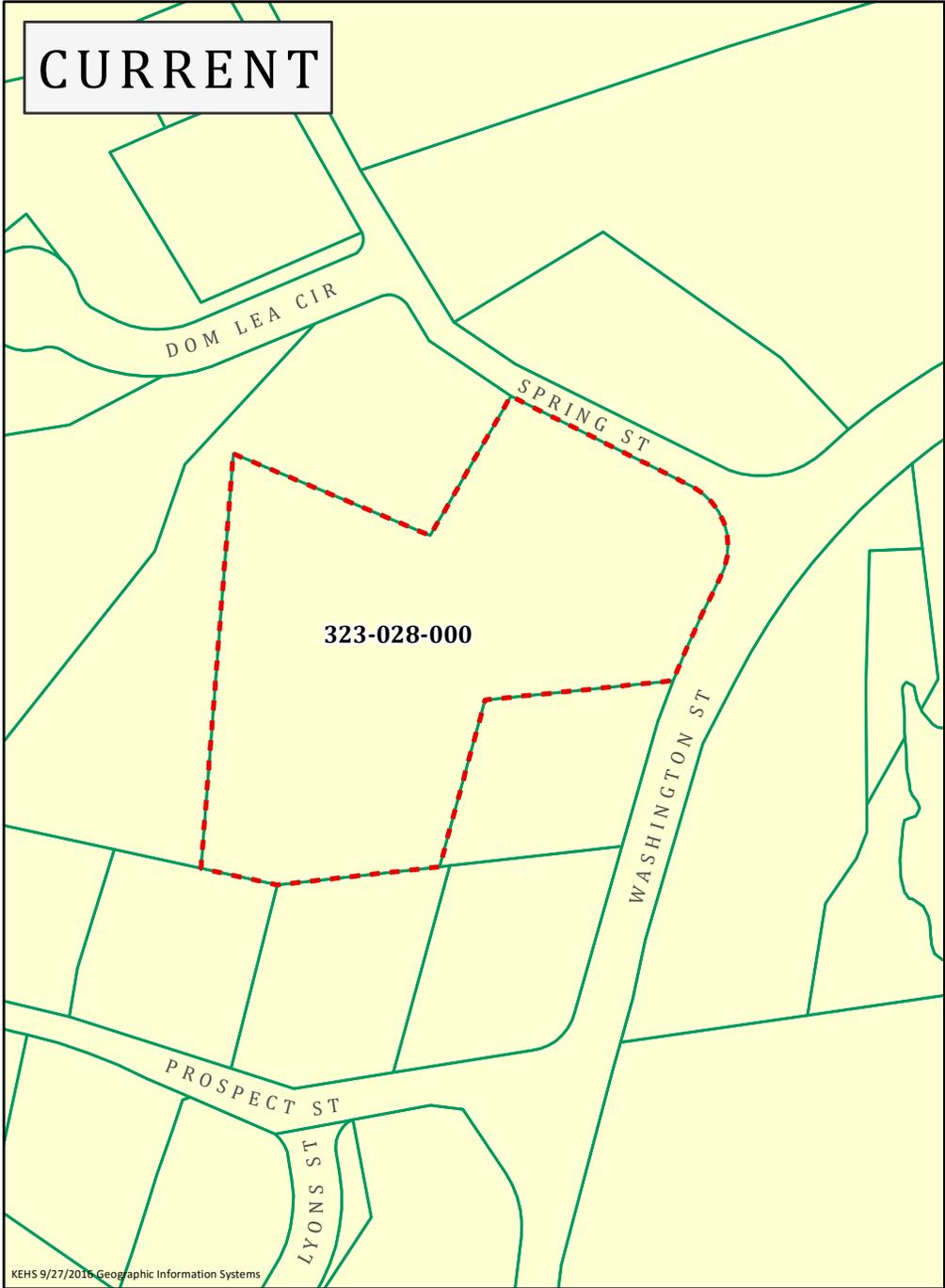
Proposed Zoning Map Changes

Rural Residential I to Rural Business

-  Rural Business
-  Area of Proposed Change
-  Rural Residential I
-  Parcel Line

0 125 250 500 Feet

CURRENT



PROPOSED

