

## FRANKLIN TOWN COUNCIL

### Agenda & Meeting Packet

August 8, 2018

Municipal Building  
Council Chambers  
355 East Central Street  
2nd Floor  
7:00 PM

#### 1. ANNOUNCEMENTS

- a. *This meeting is being recorded by Franklin TV and show on Comcast channel 11 and Verizon Channel 29. This meeting may be recorded by others.*

#### 2. CITIZEN COMMENTS

- a. *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.*

#### 3. APPROVAL OF MINUTES

- a. July 11, 2018

#### 4. PROCLAMATIONS/RECOGNITIONS

- a. Swearing in of FireFighters

#### 5. APPOINTMENTS

- a. Community Garden Committee, Crystle Chase

#### 6. HEARINGS

- a. Zoning Bylaw Amendment 18-815: Changes to §185, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements.
- b. Zoning Bylaw Amendment 18-816: Changes to §185, Use Regulations Schedule Parts I and VII, Attachments 2 and 8.
- c. Zoning Bylaw Amendment 18-818: Maximum Building Height Dimensional Regulations.
- d. Bylaw Amendment 18-819: Amendment to The Parking?

#### 7. LICENSE TRANSACTIONS

- a. Franklin BBC, LLC d/b/a British Beer Company - Change of Manager
- b. Table & Vine, Inc - Change of Manager

#### 8. PRESENTATIONS/DISCUSSIONS

- a. Facilities
- b. Open Space Committee Discussion
- c. Fourth of July Coalition

#### 9. SUBCOMMITTEE REPORTS

- a. Capital Budget Subcommittee
- b. Budget Subcommittee

- c. Economic Development Subcommittee

## 10. LEGISLATION FOR ACTION

- a. Resolution 18-45: Participation in Opioid and Engagement of Legal Counsel for that Purpose **(Motion to Approve Resolution 18-45- Majority Vote (5))**
- b. Zoning Bylaw Amendment 18-803R: Zoning Map Changes from Industrial, or Industrial & Single Family Residential IV, or Industrial & Rural Residential I, to Single Family Residential IV, or Industrial, or Rural Residential I, an Area On Or Near Fisher, Hayward and McCarthy Streets - **2nd Reading ( Motion to Adopt Zoning Bylaw Amendment 18-803R - 2/3 Majority Roll Call Vote (6))**
- c. Zoning Bylaw Amendment 18-805: Changes to §185-21 Parking, Loading and Driveway Requirements-**2nd Reading (Motion to Adopt Zoning bylaw Amendment 18-805 - 2/3 Majority Roll Call Vote(6))**
- d. Zoning Bylaw Amendment 18-810: Definitions. Small, Medium, Large Ground Mounted Solar Energy Systems, Accessory Use, and Accessory Building or Structure - **2nd Reading ( Motion to Adopt Zoning Bylaw Amendment 18-810 - 2/3 Majority Roll Call Vote (6))**
- e. Zoning Bylaw Amendment 18-811: Changes to §185-19. Accessory Building and Structures-**2nd Reading ( Motion to Adopt Zoning Bylaw Amendment 18-811 - 2/3 Majority Roll Call Vote (6))**
- f. Zoning Bylaw Amendment 18-812: Ground-Mounted Solar Energy System Use Regulations-**2nd Reading ( Motion to Adopt Zoning Bylaw Amendment 18-812 - 2/3 Majority Roll Call Vote (6))**
- g. Zoning Bylaw Amendment 18-815: Changes to §185, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements -**1st Reading (Motion to Move Zoning Bylaw Amendment 18-815 to a 2nd Reading- Majority Vote (5))**
- h. Zoning Bylaw Amendment 18-816: Changes to §185, Use Regulations Schedule Parts I and VII, Attachments 2 and 8 -**1st Reading (Motion to Move Zoning Bylaw Amendment 18-816 to a 2nd Reading- Majority Vote (5))**
- i. Zoning Bylaw Amendment 18-818: Maximum Building Height Dimensional Regulations -**1st Reading (Motion to Move Zoning Bylaw Amendment 18-818 to a 2nd Reading- Majority Vote (5))**
- j. Bylaw Amendment 18-817: Amendment to Water System Map - **2nd Reading ( Motion to Adopt Bylaw Amendment 18-817- Majority Vote (5))**
- k. Bylaw Amendment 18-819: Amendment to Chapter 170, Vehicles and Traffic - **1st Reading ( Motion to Move Bylaw Amendment 18-819 to a 2nd Reading- Majority Vote (5))**

## 11. TOWN ADMINISTRATOR'S REPORT

## 12. FUTURE AGENDA ITEMS

## 13. COUNCIL COMMENTS

## 14. EXECUTIVE SESSION - *None Scheduled*

## 15. ADJOURN

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
July 11, 2018**

A meeting of the Town Council was held on Wednesday, July 11, 2018, at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Patrick Casey, Robert Dellorco, Melanie Hamblen, Glenn Jones, Matthew Kelly, Eamon McCarthy Earls, Peter Padula, Deborah Pellegri. Councilors absent: Thomas Mercer. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Jamie Hellen, Deputy Town Administrator; Mark Cerel, Town Attorney.

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

**ANNOUNCEMENTS:** Chairman Kelly announced the meeting 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.

**CITIZEN COMMENTS:** ► Teresa Burr, Town Clerk, reminded everyone of the Zip Trip this Friday in the Town Common, 6:00-10:00 AM; please bring a healthy box of cereal to support the Food Pantry. She hopes for a good turnout at this event. Next week the Town Clerk's office will be opened only 8:00-1:00 PM; there will be two part-time staff members available in the morning. Ms. Burr and her assistant will be attending their final year to becoming certified clerks; they will be graduating after three years. The 2018 elections will be on September 4, 2018, at the High School from 6:00-8:00 PM. The last day to register to vote for the state primary is August 16, 2018; the Town Clerk's office will be opened until 8:00 PM on that date. The state election is on November 6, 2018. The last day to register to vote or change party affiliation for the state election is October 17, 2018; the Town Clerk's office will be opened until 8:00 PM on that date. You can also register to vote or change party affiliation online. If there are any questions, please contact the Town Clerk's office.

**APPROVAL OF MINUTES: June 20, 2018.** ►► **MOTION to Approve** the June 20, 2018 meeting minutes by **Padula. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

**PROCLAMATIONS/RECOGNITIONS: None.**

**APPOINTMENTS: Election Workers.** ► **MOTION to Waive** the reading by **Padula.** ► Mr. Cerel stated the names must be read. ► **MOTION to Withdraw** the motion by **Padula.** ► Mr. Jones read the Appointments for Election Year 2018 list. ► **MOTION to Ratify** the appointment by the Town Administrator of the attached Election Workers as requested by the Town Clerk by **Dellorco. SECOND** by **Padula. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

**LICENSE TRANSACTIONS: Santa Fe Burrito Grill, LLC – New License.** ► Mr. Jones read the license transaction. ► **MOTION to Approve** the request by Santa Fe Burrito Grill LLC for a new all alcoholic beverages restaurant license and approve the Manger, Hector Angel by **Dellorco. SECOND** by **Padula. Discussion:** ► Chairman Kelly declared a 30-second recess to wait for 7:10 PM as Mr. Cerel stated this was a published hearing. ► A representative on behalf of Mr. Hector Angel addressed the Town Council; he stated Mr. Angel was unable to make it due to a family emergency. In response to Mr. Padula's questions, he stated he works for Mr. Angel in an operations capacity for many of his locations including this location. He noted he is not listed in the application. ► Mr. Padula asked about Mr. Angel's experience and training in handling liquor. ► The representative stated Mr. Angel has had several restaurants in CT, RI, and MA, in which he has had alcohol licenses. He is familiar with TIPS certification and has not had any issues to date. Mr. Angel has had restaurants for two decades. ► Mr. Cerel stated the information Mr. Padula is looking for is provided in the Town Council members' packets. ► **VOTE: Yes-8, No-0, Absent-1.**

**PRESENTATIONS/DISCUSSIONS:** ► *Judith P. Pfeffer – Unsung Heroine Award.* ► Mr. Nutting stated Representative Jeffrey Roy is on the telephone; he could not be in attendance as they are in the middle of a debate. ► Representative Roy, via telephone, stated good news for Franklin; they have passed the foundation budget recommendations earlier today. They are in the middle of the debate on opioid legislation reform. He apologized to Ms. Pfeffer for not being in attendance. He stated Ryan from his office is in attendance and has many gifts for Ms. Pfeffer. Representative Roy stated the unsung heroine award goes to someone who does not seek the spotlight but does really great things for their community. There is no better nominee for this award. Ms. Pfeffer has devoted her life to the Franklin community and is an endeared servant to the community. He read aloud the nomination that was submitted by his office on her behalf. He stated there was a beautiful ceremony at the State House on June 20, 2018. They wanted to recognize Ms. Pfeffer in her community. He asked Ryan to present Ms. Pfeffer with the citation from the House of Representatives; he read aloud the citation. He noted in her gifts was also a citation from Senator Spilka and Senator Ross, a commendation from Governor Charlie Baker, a certificate from the Massachusetts Commission on the Status of Women, a pin in recognition of the status of an unsung heroine, and a program from the ceremony on June 20, 2018, that lists all the women who were in the 2018 class of unsung heroines. He congratulated Ms. Pfeffer and thanked her for her service. ► Ms. Pfeffer thanked everyone and stated this is a great honor. ► Chairman Kelly congratulated Ms. Pfeffer.

► *Karen Alves – Dementia Friendly Community.* ► Ms. Alves, Senior Center Director, and Maggie Gunderson, Social Services Coordinator, addressed the Town Council. Ms. Alves stated they recently received a grant award of \$11,720 from the MetroWest Health Foundation to make Franklin a Dementia Friendly Community. The group has also funded some of the other initiatives over the past 15 years. The Friends of Franklin elders group pledged \$1,000 to this effort. She discussed what a dementia friendly community is, provided statistics of Alzheimer’s disease, and reviewed the goals of being a dementia friendly community. She discussed how social isolation reduces quality of life and leads to both mental and physical health deterioration. She would like to create a community-wide system of support. ► Ms. Gunderson discussed reframing dementia to destigmatize dementia and the need to think about it differently. She stated this is basically a public education awareness campaign. She discussed educating the community. ► Ms. Alves discussed training for local businesses. ► Ms. Gunderson discussed the Dementia Friends educational program; she has been trained as a trainer for this program. ► Ms. Alves reviewed how this program will be put in place in Franklin. She explained Memory Cafés and mentioned one is scheduled for Monday, July 30, 2018, at 3:00 PM at the Franklin Senior Center. This will be a monthly event; anyone who wants to come is welcomed. ► Mr. Dellorco asked the presenters to let the public know how to sign up and where to go. ► Ms. Alves stated anyone interested could call the Senior Center and speak with Ms. Gunderson. They are trying to put together the coalition now. They hope to be doing trainings in the fall. ► Mr. Padula stated this is another fantastic job done by the Senior Center. ► Mr. Casey asked what type of businesses will be asked to join this program. ► Ms. Alves stated the Downtown Partnership provided them with a letter of support. Interested businesses should contact the Senior Center. ► Chairman Kelly thanked the presenters.

#### **HEARINGS:**

1. *Acceptance of Padden Road and Portion of Longhill Road as Public Ways*
2. *Acceptance of Sheila Lane & Tobacco Road as Public Ways*
3. *Acceptance of Sarah Lane as Public Way*
4. *Zoning Bylaw Amendment 18-803R: Zoning Map Changes from Industrial, or Industrial & Single Family Residential IV, or Industrial & Rural Residential I, to Single Family Residential IV, or Industrial, or Rural Residential I, an Area on or Near Fisher, Hayward and McCarthy Streets – Continued Hearing*
5. *Zoning Bylaw Amendment 18-805: Changes to §185-21 Parking, Loading and Driveway Requirements – Continued Hearing*
6. *Zoning Bylaw Amendment 18-810: Definitions. Small, Medium and Large Ground-Mounted Solar Energy Systems, Accessory Use, and Accessory Building or Structure*



**7. Zoning Bylaw Amendment 18-811: Changes to §185-19. Accessory Buildings and Structures**

**8. Zoning Bylaw Amendment 18-812: Ground-Mounted Solar Energy System Use Regulations**

► Chairman Kelly declared the following hearings open:

1. *Acceptance of Padden Road and Portion of Longhill Road as Public Ways*
2. *Acceptance of Sheila Lane & Tobacco Road as Public Ways*
3. *Acceptance of Sarah Lane as Public Way*

► Mr. Nutting stated that many years ago they asked the Town Council for an appropriation to begin this and filed a petition to try to streamline the ability to accept subdivision roads as public ways because there were over 100 roads that had never gotten accepted as public ways for one reason or another. Currently, if you live on one of these streets and your road falls apart, you are responsible to fix it. He stated they started a program to try to put more streets into public ways. This is equitable for the taxpayer and the town gets additional Chapter 90 money for every mile of roadway. It is a difficult process. We are trying to take care of these a few at a time. There will be a lot more roads to go. The town plows these streets per bylaw; the most the town can do is fill a pothole. ► Town Council members asked questions. ► Mr. Cerel stated the bonds have been released for the most part. There were not enough people and oversight to follow through and make sure this was done. In many cases we were able to reach out to the surveying firms that had started the work and have had them complete the acceptance plans. ► Mr. Michael Maglio, Town Engineer, stated these roads were built around the 1990s; they are in various conditions. At some point the town will have to put money into them to keep them passable; there are no immediate plans for any of these streets. ► Mr. Nutting discussed the additional Chapter 90 money in regard to the possible road work the town will eventually have to do. He provided the example that people bought a house in a subdivision in good faith, paid their taxes, assumed it was a town road, and now the road needs repair and they assume the town will take care of it; it is an equity issue. ► Mr. Cerel noted the sooner a road can be taken care of the more life can be gotten out of it.

► Chairman Kelly declared the following hearings open:

4. *Zoning Bylaw Amendment 18-803R: Zoning Map Changes from Industrial, or Industrial & Single Family Residential IV, or Industrial & Rural Residential I, to Single Family Residential IV, or Industrial, or Rural Residential I, an Area on or Near Fisher, Hayward and McCarthy Streets – Continued Hearing*
5. *Zoning Bylaw Amendment 18-805: Changes to §185-21 Parking, Loading and Driveway Requirements – Continued Hearing*

► Mr. Nutting stated Zoning Bylaw Amendment 18-803R was discussed at the last meeting. He noted the map shown on the screen and stated originally the small lot down the bottom, 300 Fisher Street, and the DPW lot in the middle were going to be made Industrial. Mr. Paul DeBaggis raised concern about these two lots. The new proposal was reviewed. ► Mr. DeBaggis thanked the administration for the meeting he and Mr. Circone attended. He and Mr. Circone agree the zoning should be Residential in the porkchop lot. It is not a good policy to zone to Industrial. He reviewed what is allowed in an Industrial zone and not in Residential. As the land is wet, there is no reason to zone it Industrial given that the town wells are a short distance away, among other reasons. There is also an endangered species there. He urged the Town Council to stick with the current Residential zoning. ► Mr. Padula confirmed Mr. Nutting wanted to make it Industrial. ► Mr. Nutting stated he thinks it makes sense. It really makes no difference; we all agree it is wetland. It is just painting the map a different color. On the other hand, if you take no action on that one parcel, it does not make that much difference because it is all wet. We were just doing lot line cleanups; there was no other motivation. Seventy-five percent of the lot is already Industrial. He stated Mr. Brutus Cantoreggi, Director of Public Works, has no concern about the wells. Even if it is left three-quarters Industrial, it will still someday be able to be used. ► Mr. Padula stated that after talking with Mr. DeBaggis and hearing the explanation, he thinks cleaning up the lot line makes sense. ► Chairman Kelly asked why we do not make the entire lot Residential. ► Mr. Nutting stated he believes there is an expectation that once the EPA cleans up the lot it will have a reuse. He does not think it is a very good location for Residential. From an Industrial base, maybe a nice little storage facility could go down there that does not create a lot of issues and creates tax revenue. He stated he thinks that it would be considered

a taking by the court. ► Mr. Cerel explained uses, procedure, and regulatory taking. He noted the current owner has been working cooperatively with the EPA to effectuate the cleanup. ► Chairman Kelly discussed that the Town Council cannot be scared that they may put a lawsuit on the town if the Town Council does what they feel is right. ► Mr. Bryan Taberner, Director, Planning and Community Development, stated the property is very dirty. The likelihood that it will be cleaned up enough for Residential development is low. So, by putting it into Residential, it is likely that it will not be able to be developed, so there would be no value to the property anymore. Either leave it split as is or go with Industrial. ► Mr. DeBaggis said Mr. Cerel noted going back and starting the process all over to make it all Residential; he stated he is saying to just leave it as it is. ► Mr. Jones stated it will take years for this property to be cleaned up. ► Mr. Dellorco confirmed that if the Town Council leaves this alone, the cleanup will still continue. ► **MOTION to Close the Public Hearing for Zoning Bylaw Amendment 18-803R by Padula. SECOND by Dellorco. No Discussion. ► VOTE: Yes-8, No-0, Absent-1.**

► **MOTION to Close the Public Hearings for Acceptance of Padden Road and Portion of Longhill Road as Public Ways, Acceptance of Sheila Lane & Tobacco Road as Public Ways, and Acceptance of Sarah Lane as Public Way by Jones. SECOND by Dellorco. No Discussion. ► VOTE: Yes-8, No-0, Absent-1.**

► Mr. Nutting stated Zoning Bylaw Amendment 18-805 was continued because the Planning Board at the last Town Council meeting had not voted one way or the other. They did vote on Monday to approve it. Basically, it adds a de minimis parking requirement to Commercial I Zoning District as recommended by the EDC; currently, there is no parking requirement. ► **MOTION to Close the Public Hearing for Zoning Bylaw Amendment 18-805 by Dellorco. SECOND by Padula. No Discussion. ► VOTE: Yes-8, No-0, Absent-1.**

► Chairman Kelly declared the following hearings open:

6. *Zoning Bylaw Amendment 18-810: Definitions. Small, Medium and Large Ground-Mounted Solar Energy Systems, Accessory Use, and Accessory Building or Structure*
7. *Zoning Bylaw Amendment 18-811: Changes to §185-19. Accessory Buildings and Structures*
8. *Zoning Bylaw Amendment 18-812: Ground-Mounted Solar Energy System Use Regulations*

► Mr. Nutting stated Zoning Bylaw Amendment 18-810 is to establish zoning for various sized ground-mounted solar systems. He noted an article in the paper where someone put solar panels in their front yard. The thought is that solar panels are great, but they should have some standard. So, zoning based on three different sizes was created. ► Mr. Taberner stated Zoning Bylaw Amendment 18-811 is a complete rewrite of §185-19, Accessory Buildings and Structures. He explained and discussed the sections regarding ground-mounted solar energy systems. ► Mr. Taberner stated Zoning Bylaw Amendment 18-812 is the changes to the use regulation schedule regarding ground-mounted solar energy systems. He explained and discussed the additions to the Use Regulations Schedule Part III and Part IV, Attachment 4 and Attachment 8. ► Chairman Kelly thanked Mr. Taberner for his hard work on this. ► **MOTION to Close the Public Hearings for Zoning Bylaw Amendment 18-810, Zoning Bylaw Amendment 18-811, and Zoning Bylaw Amendment 18-812 by Jones. SECOND by Dellorco. No Discussion. ► VOTE: Yes-8, No-0, Absent-1.**

#### **SUBCOMMITTEE REPORTS:**

1. *Capital.* ► Mr. Dellorco stated there are no updates at this time.
2. *Budget.* ► Mr. Nutting stated there is a meeting in September.
3. *Economic Development.* ► Mr. Mercer was not present at the meeting; no update provided.

#### **LEGISLATION FOR ACTION:**

1. *Resolution 18-37: Order of Acceptance of Padden Road and Portion of Longhill Road as Public Ways (Motion to Move Resolution 18-37 – 2/3 Vote (6)).* ► **MOTION to Waive the reading by Padula. SECOND by Dellorco. No Discussion. ► VOTE: Yes-8, No-0, Absent-1. ► MOTION to Move Resolution 18-37: Order of Acceptance of Padden Road and Portion of Longhill Road as**

Public Ways by **Dellorco**. **SECOND** by **Padula**. **Discussion:** ► Mr. Nutting stated he thinks everything has already been explained. ► **VOTE: Yes-8, No-0, Absent-1.**

2. **Resolution 18-38: Order of Acceptance of Sheila Lane & Tobacco Road as Public Ways (Motion to Move Resolution 18-38 – 2/3 Vote (6)).** ► **MOTION** to **Waive** the reading by **Padula**. **SECOND** by **Dellorco**. **No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION** to **Move** Resolution 18-38: Order of Acceptance of Sheila Lane & Tobacco Road as Public Ways by **Dellorco**. **SECOND** by **Padula**. **No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**
3. **Resolution 18-39: Order of Acceptance of Sarah Lane as Public Way (Motion to Move Resolution 18-39 – 2/3 Vote (6)).** ► **MOTION** to **Waive** the reading by **Padula**. **SECOND** by **Dellorco**. **No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION** to **Move** Resolution 18-39: Order of Acceptance of Sarah Lane as Public Way by **Dellorco**. **SECOND** by **Padula**. **Discussion:** ► Mr. Padula confirmed these are the public hearings that the Town Administrator already discussed. ► **VOTE: Yes-8, No-0, Absent-1.**
4. **Resolution 18-40: Adoption and Execution of Order of Taking to Enable Widening and other Roadway Improvements Along Rt. 140 at its Intersection with Maple Street at Franklin-Bellingham Town Line (Motion to Move Resolution 18-40 – 2/3 Vote (6)).** ► Mr. Jones read the resolution. ► **MOTION** to **Move** Resolution 18-40: Adoption and Execution of Order of Taking to Enable Widening and other Roadway Improvements Along Rt. 140 at its Intersection with Maple Street at Franklin-Bellingham Town Line by **Dellorco**. **SECOND** by **Padula**. **Discussion:** ► Mr. Nutting stated the Town of Bellingham received a grant to widen and improve the intersection of Maple Street and Rt. 140 on the Bellingham line. Part of that is the need to widen the access on the Franklin side as well. He worked with them to reach out to some of the property owners to see if they would agree to provide the temporary or permanent easements. They were all agreeable and signed off. There is a financial award that will be paid by the Town of Bellingham to the property owners. It is an agreed upon eminent domain by those people involved to widen the intersection. This action is required because the land is in Franklin. Bellingham asked that Franklin take this action; Bellingham will do the recordings and paying the land owners. ► Chairman Kelly stated most likely he is going to vote Yes, but he explained his problem with this. They are going to widen the road because it is almost all commercial on Maple Street. Trucks will get off Rt. 495, drive through Franklin roads, rip up the roads, go into Bellingham, drop their tax dollars off there, Bellingham will profit from that, and Franklin will have to repave the roads. ► Mr. Nutting stated it is a state highway. ► Chairman Kelly rescinded his comment. ► Mr. Cerel stated this is the resolution that requires all Town Council members to sign the document. ► **VOTE: Yes-8, No-0, Absent-1.**
5. **Resolution 18-41: Acceptance of Gift-Franklin Library Association (Motion to Move Resolution 18-41 – Majority vote (5)).** ► Mr. Jones read the resolution. ► **MOTION** to **Move** Resolution 18-41: Acceptance of Gift-Franklin Library Association by **Dellorco**. **SECOND** by **Padula**. **Discussion:** ► Mr. Nutting thanked the FLA; they have been extremely generous in the past many years. ► **VOTE: Yes-8, No-0, Absent-1.**
6. **Resolution 18-42: Authorization for Disposition (Sale) of Town-Owned Land on Grove Street (Remaining Portion of Former Nu-Style Property) (Motion to Move Resolution 18-42 – 2/3 Majority vote (6)).** ► **MOTION** to **Waive** the reading by **Padula**. **SECOND** by **Dellorco**. **No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION** to **Move** Resolution 18-42: Authorization for Disposition (Sale) of Town-Owned Land on Grove Street (Remaining Portion of Former Nu-Style Property) by **Dellorco**. **SECOND** by **Padula**. **Discussion:** ► Mr. Nutting stated this has been a 10 to 12-year process. He provided a map and discussed the former Nu-Style property. The EPA has been working on this site for years. There is still some clean up to do. One building remaining is collapsed; it must be demolished, removed, and further testing and clean up of any soil issues done. The prior Town Council authorized an RFP for the sale of the small parcel of land on

Grove Street at the former Nu-Style building. One bid was received. He stated we would like to move forward with selling the land contingent on all permits being granted. He reviewed the purchaser's plans for the site. ► Mr. Padula confirmed the reason this was done is to pass on the responsibility for this to a third party; the purchase price is \$120. ► Mr. Cerel confirmed the purchaser must go forward with the outlined remediation. ► **VOTE: Yes-8, No-0, Absent-1.**

7. ***Zoning Bylaw Amendment 18-802: Zoning Map Changes From Commercial II, or Rural Residential II & Single Family Residential IV, to Rural Residential II or Single Family Residential IV, an Area on or Near Edwards, Raymond and Beaver Streets – 2nd Reading (Motion to Move Zoning Bylaw Amendment 18-802 – 2/3 Majority Roll Call vote (6)).*** ► **MOTION to Waive the reading by Padula. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 18-802: Zoning Map Changes From Commercial II, or Rural Residential II & Single Family Residential IV, to Rural Residential II or Single Family Residential IV, an Area on or Near Edwards, Raymond and Beaver Streets by Dellorco. SECOND by Padula. Discussion:** ► Mr. Nutting stated this was previously discussed. It does the lot line cleanup and it eliminates Commercial zoning behind the Ski Shop where all the condominiums are. All the people were notified. ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Padula-YES; Pellegrini-YES. ► **VOTE: Yes-8, No-0, Absent-1.**
  
8. ***Zoning Bylaw Amendment 18-803R: Zoning Map Changes from Industrial, or Industrial & Single Family Residential IV, or Industrial & Rural Residential I, to Single Family Residential IV, or Industrial, or Rural Residential I, an Area on or Near Fisher, Hayward and McCarthy Streets – Continued 1st Reading (Motion to Move Zoning Bylaw Amendment 18-803R to a 2nd Reading - Majority vote (5)).*** ► **MOTION to Waive the reading by Padula. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 18-803R: Zoning Map Changes from Industrial, or Industrial & Single Family Residential IV, or Industrial & Rural Residential I, to Single Family Residential IV, or Industrial, or Rural Residential I, an Area on or Near Fisher, Hayward and McCarthy Streets to a 2<sup>nd</sup> reading by Dellorco. SECOND by Jones. Discussion:** ► Mr. Nutting stated if people wanted to exclude the porkchop-like piece, they would strike out 296-210 as a motion amendment. ► **MOTION to Amend Zoning Bylaw Amendment 18-803R to eliminate parcel 296-210-000 from the amendment by Earls. SECOND by Dellorco. Discussion:** ► Mr. Padula stated he wanted to go along with the administration and clean up the lot lines; they have done their due diligence and he thinks it is appropriate. ► **ROLL CALL VOTE** (for the amendment to Zoning Bylaw Amendment 18-803R—a Yes vote will strike out parcel 296-210-000; a No vote will leave it in as is): Casey-YES; Dellorco-YES; Hamblen-YES; Jones-NO; Kelly-NO; Earls-YES; Padula-NO; Pellegrini-YES. ► **VOTE: Yes-5 No-3, Absent-1.** ► **MOTION AS AMENDED to Move Zoning Bylaw Amendment 18-803R: Zoning Map Changes from Industrial, or Industrial & Single Family Residential IV, or Industrial & Rural Residential I, to Single Family Residential IV, or Industrial, or Rural Residential I, an Area on or Near Fisher, Hayward and McCarthy Streets to a 2<sup>nd</sup> reading by Earls. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**
  
9. ***Zoning Bylaw Amendment 18-804: Zoning Map Changes from Single Family Residential III & Single Family Residential IV, to Single Family Residential III or Single Family Residential IV, an Area on or Near Washington, Arlington and James Streets – 2nd Reading (Motion to Move Zoning Bylaw Amendment 18-804 – 2/3 Majority Roll Call vote (6)).*** ► **MOTION to Waive the reading by Padula. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 18-804: Zoning Map Changes from Single Family Residential III & Single Family Residential IV, to Single Family Residential III or Single Family Residential IV, an Area on or Near Washington, Arlington and James Streets by Dellorco. SECOND by Padula. Discussion:** ► Mr. Nutting stated this is a lot line cleanup as previously discussed and shown on the map. ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Padula-YES; Pellegrini-YES. ► **VOTE: Yes-8, No-0, Absent-1.**

- 10. Zoning Bylaw Amendment 18-805: Changes to § 185-21 Parking, Loading and Driveway Requirements– Continued 1st Reading (Motion to Move Zoning Bylaw 18-805 to a 2nd Reading – Majority vote (5)).** ► **MOTION to Waive the reading by Padula. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 18-805: Changes to § 185-21 Parking, Loading and Driveway Requirements to a 2<sup>nd</sup> reading by Dellorco. SECOND by Padula. Discussion:** ► Mr. Nutting stated that as previously discussed in the public hearing this adds a de minimis parking requirement. ► **VOTE: Yes-8, No-0, Absent-1.**
- 11. Zoning Bylaw Amendment 18-810: Definitions. Small, Medium and Large Ground-Mounted Solar Energy Systems, Accessory Use, and Accessory Building or Structure – 1st Reading (Motion to Move Zoning Bylaw Amendment 18-810 to a 2nd Reading – Majority vote (5)).** ► **MOTION to Waive the reading by Padula. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 18-810: Definitions. Small, Medium and Large Ground-Mounted Solar Energy Systems, Accessory Use, and Accessory Building or Structure to a 2<sup>nd</sup> reading by Dellorco. SECOND by Padula. Discussion:** ► Mr. Nutting stated these next three items are the same three just discussed in the public hearings for the solar and accessory use language changes that coincide with those. ► **VOTE: Yes-8, No-0, Absent-1.**
- 12. Zoning Bylaw Amendment 18-811: Changes to §185-19. Accessory Buildings and Structures – 1st Reading (Motion to Move Zoning Bylaw Amendment 18-811 to a 2nd Reading – Majority Vote (5)).** ► **MOTION to Waive the reading by Padula. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 18-811: Changes to §185-19. Accessory Buildings and Structures to a 2<sup>nd</sup> reading by Dellorco. SECOND by Padula. Discussion:** ► Mr. Nutting stated same comment. ► **VOTE: Yes-8, No-0, Absent-1.**
- 13. Zoning Bylaw Amendment 18-812: Ground-Mounted Solar Energy System Use Regulations – 1st Reading (Motion to Move Zoning Bylaw Amendment 18-812 to a 2nd Reading – Majority Vote (5)).** ► **MOTION to Waive the reading by Padula. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 18-812: Ground-Mounted Solar Energy System Use Regulations to a 2<sup>nd</sup> reading by Dellorco. SECOND by Padula. Discussion:** ► Mr. Nutting stated same comment. ► **VOTE: Yes-8, No-0, Absent-1.**
- 14. Bylaw Amendment 18-813: A Bylaw to Amend the Code of the Town of Franklin at Section 170-32 One Way Streets – 2nd Reading (Motion to Move Bylaw Amendment 18-813 – Majority Roll Call vote (5)).** ► **MOTION to Waive the reading by Padula. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Bylaw Amendment 18-813: A Bylaw to Amend the Code of the Town of Franklin at Section 170-32 One Way Streets by Dellorco. SECOND by Padula. Discussion:** ► Mr. Nutting stated this makes a small section of Alpine Row one-way to accommodate the installation of a continuous sidewalk throughout the entirety of the neighborhood. He stated a neighborhood meeting was held; residents who attended are in favor of the change and no negative feedback has been received to date. ► Mr. Padula stated the sidewalk installed makes it safer for people to travel. ► Chairman Kelly stated anyone that lives on the street and needs to open the road before it gets its final paved coat should contact Michael Maglio at the DPW. ► Town Council members reviewed the traffic flow. ► **ROLL CALL VOTE: Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Padula-YES; Pellegri-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**
- 15. Bylaw Amendment 18-814: Chapter 125, Peace and Good Order – 2nd Reading (Motion to Move Bylaw Amendment 18-814 – Majority Roll Call Vote (5)).** ► **MOTION to Waive the reading by Padula. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Bylaw Amendment 18-814: Chapter 125, Peace and Good Order by Dellorco. SECOND by**

**Padula. Discussion:** ► Mr. Nutting stated this is to put a bylaw in place that will restrict the use of marijuana on any public space or property such as school, playground, cemetery, etc., similar to alcohol use restrictions that we currently have. ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Padula-YES; Pellegrini-YES. ► **VOTE: Yes-8, No-0, Absent-1.**

**16. Bylaw Amendment 18-817: Amendment to Water System Map – 1st Reading (Motion to Move Bylaw Amendment 18-817 to a 2nd Reading – Majority vote (5)).** ► Mr. Jones read the bylaw amendment. ► **MOTION to Move** Bylaw Amendment 18-817: Amendment to Water System Map to a 2<sup>nd</sup> reading by **Padula. SECOND** by **Dellorco. Discussion:** ► Mr. Michael Maglio, Town Engineer, stated an application for a Water System Extension Permit was received from the homeowner at 12 Ridgeview Road. They have been having issues with their well water. The DPW investigated. They found many of the other six homeowners on the street have been having issues with their wells. A traditional water main running up the road would require a neighborhood booster pump station due to the elevation. Given the situation, he recommends that each of the six homes be allowed to connect to Town water with individual services and the need for separate booster pumps would then be the responsibility of each individual homeowner. He recommended conditions, which he reviewed, be attached to the approval. ► Mr. Michael Fales, homeowner at 12 Ridgeview Road, stated the town engineer has been great coming up with the best solution to this. He stated they have run out of water. Sometimes it takes six to eight hours to get the water back. ► Town Council members asked questions and discussed the proposed plan with Mr. Maglio, Mr. Fales, and Mr. Nutting. ► **VOTE: Yes-8, No-0, Absent-1.**

**17. Zoning Bylaw Amendment 18-818: Maximum Building Height Dimensional Regulations – Referral to Planning Board (Motion to refer Zoning Bylaw Amendment 18-818 to the Planning Board – Majority vote (5)).** ► **MOTION to Waive** the reading by **Padula. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Refer** Zoning Bylaw Amendment 18-818: Maximum Building Height Dimensional Regulations to Planning Board by **Dellorco. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated that regarding the previous bylaw amendment, what someone does with their water line on their own private property is their own business; they cannot go into the public way until after the second vote. Regarding this zoning bylaw amendment, it is a recommendation by the EDC that tries to standardize building heights and the number of stories in several Commercial zoning districts. As shown on the map, he reviewed the current and proposed maximum building height by right and special permit. He stated this would add to uniformity and consistency in Commercial zoning districts. ► **VOTE: Yes-8, No-0, Absent-1.**

**TOWN ADMINISTRATOR'S REPORT:** ► Mr. Nutting stated he and Mr. Jones attended the Charter School groundbreaking. The Charter School is under construction and will be opened in the fall of 2019 on Washington Street. Hat's off to the Fourth of July Committee; it was an awesome event. Great job! He gave prayers to Jean Hunchard who passed away recently; she had been a frequent caller to Mr. Nutting over the years and they always had great conversations. There will be a neighborhood meeting on the East Street and West Street neighborhoods next Wednesday at 6:00 PM to finalize the plans before the Dean students return. Regarding the opioid legislation, the lawyer was on vacation. By the time he sent over all the documents, and Mr. Cerel needed a chance to review the documents, it was put on the August agenda. ► Mr. Hellen reminded everyone of the Zip Trip on Friday.

**FUTURE AGENDA ITEMS:** ► Chairman Kelly asked if Mr. Cerel could do some research on the banning of selling nips in the town; it would reduce litter. ► Mr. Cerel stated he would first check with some of his colleagues and what they have done in other communities.

**COUNCIL COMMENTS:** ► Ms. Pellegrini thanked the Fourth of July Committee for the great celebration. She asked if the new bandstand that was put up is permanent. She asked if the town had insurance for people using the bandstand. She is bringing it up because a past town administrator always

wanted it taken down immediately as it created problems. She noted that when going by it today, she saw skateboarders on it. She asked how it was selected. ► Mr. Nutting stated it is portable and will come off in the fall. He stated they do not have any liability and have a boatload of insurance. It is a recreation use and under Massachusetts statute there is limited liability. He said the skateboarders should not be there and he will ask the police. He stated the process for procurement was followed. There was only one vendor that came back with an all-weather item so that vendor that met the specifications was selected. Then we purchased the curtain that goes around the bottom to clean up the look of the legs. ► Ms. Pellegri stated it was an eyesore; she said many other people have said the same thing. Maybe if Design Review had gotten involved, there would be something more appealing to the eye. This is taking away from the town's beautiful bandstand. The Town Council never even saw a sketch of it so they never had any input. ► Mr. Nutting stated it will come down in the fall. It cost \$34,000; the handicapped ramp was \$12,000-\$13,000. The Town Council voted to appropriate the money. ► Mr. Padula congratulated the Fourth of July Committee; they did a wonderful job. ► Mr. Jones stated the Charter School groundbreaking was a great event. ► Ms. Hamblen gave her condolences to the Longobardi family for the passing of Peter Longobardi. She stated she received a compliment to be passed along to the DPW regarding the awesome job of the hole patching on King Street. It is blueberry season so get to Giannetti's and pick blueberries. ► Mr. Casey said great job to the Fourth of July Committee. He reminded residents that tax bills were mailed out on Friday, June 29, 2018, with a due date of August 1, 2018. There is a 14 percent late charge. ► Mr. Dellorco said hat's off to the Fourth of July Committee. He gave condolences to the Hunchard family. ► Chairman Kelly stated Mr. Jones volunteered his time in Haiti recently and there was an uprising at that time; he is glad Mr. Jones made it back safely. ► Mr. Cerel asked if everyone signed the Order of Taking. He is going to have to notarize it.

**EXECUTIVE SESSION: *None.***

**ADJOURN: MOTION to Adjourn by Padula. SECOND by Dellorco. No Discussion. ► VOTE: Yes-8, No-0, Absent-1. Meeting adjourned at 9:08 PM.**

Respectfully submitted,

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Judith Lizardi  
Recording Secretary



## APPOINTMENTS

### Franklin Community Garden Committee

Crystle Chase  
24 Shayne Rd. Unit 111

The Franklin Community Garden Committee has recommended the appointment of Crystle Chase to serve as a member of the Franklin Community Garden Committee with an expiration of June 30, 2019.

**MOTION** to ratify the appointment by the Town Administrator of Crystle Chase to serve as a member of the Franklin Community Garden Committee.

**DATED:** \_\_\_\_\_, 2018

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

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

**Teresa M. Burr**  
**Town Clerk**

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

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

---

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





## Town of Franklin MA

355 East Central Street

Franklin, MA 02038

Phone: 508-520-4949

### Volunteer Form

*Good Government Starts with You*

**Date Submitted:** July 2, 2018

**Name:** Crystle Chase

**Home Address:** 24 Shayne Rd, Unit 111  
FRANKLIN, MA 02038

**Mailing Address:** 24 Shayne Rd, Unit 111  
FRANKLIN, MA 02038

**Phone Number(s):**

**Email Address:**

**Current Occupation/Employer:**

**Narrative:** Since I lived on a small farm in Westport, MA I have the garden bug - I love watching things grow and being able to use them in my own home!

**Board(s) / Committee(s):** \_\_\_ Community Garden Committee

# FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

## MEMORANDUM

**TO:** JEFFREY D. NUTTING, TOWN ADMINISTRATOR  
**FROM:** BRYAN W. TABERNER, AICP, DIRECTOR  
**RE:** ZONING BYLAW AMENDMENT 18-815: CHANGES TO DIMENSIONAL REGULATIONS FOR COMMERCIAL I ZONING DISTRICT  
**CC:** JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR  
AMY LOVE, PLANNER  
**DATE:** JUNE 14, 2018

The Department of Planning and Community Development (DPCD) has developed a Zoning Bylaw amendment related to dimensional regulations within the Commercial I (CI) Zoning District, which is the purpose of this memo. Changes to dimensional regulations within the Commercial I Zoning District have been discussed since 2010 when much of the CI district was rezoned to a new Downtown Commercial Zoning District. The issue was put aside at that time so it could be addressed during the Master Plan development process. Land Use Objective 3.2 from the Implementation section of Franklin's 2013 Master Plan addresses the issue, and is shown below for reference.

Land Use Objective 3.2: Amend the dimensional requirements within the Commercial I zoning district to encourage green space, use of outdoor seating areas, and assemblage of properties to encourage new business, business expansion and business retention, in the Commercial I zoning district.

Currently the CI district has the least restrictive requirements of Franklin's zoning districts. The proposed dimensional regulations do not represent a substantial change from current requirements. Below is a comparison of current and proposed dimensional requirements within the Commercial I Zoning District.

Commercial I Zoning District	Current	Proposed
<b><i>Minimum Side Yard Dimensions</i></b>	0'	10'

Note 1: The 10 feet side setback is only required on one side of lot; if lot abuts a residential district, a twenty feet setback is required on the abutting side.

Requiring a 10 feet setback in the side yard of each CI parcel is recommended by Town staff to provide easier access to the rear of properties by emergency response personnel, but also serves to promote courtyards and pedestrian oriented plazas, improve pedestrian flow, and encourage green space and pervious surfaces.

Commercial I Zoning District	Current	Proposed
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**Maximum Impervious Coverage of Existing Upland**

Structures:	90%	80%
Structures and Paving:	100%	90%

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Currently owners of CI parcels are allowed to have one hundred percent impervious surface. Very few CI parcels currently have more than 90 percent impervious surface, therefore this proposed change is not likely to create problems for property owners, and guarantee that new development will have at least some pervious areas for stormwater infiltration and landscaping.

The Economic Development Committee discussed the proposed parking regulations changes at a previous meeting, and voted to send the Zoning Bylaw Amendment to Town Council for further consideration. If Town Council supports the proposed zoning bylaw amendment, DPCD recommends they refer Zoning By-law Amendment 18-815 to the Planning Board for a Public Hearing.

Additional changes to CI dimensional requirements (maximum building height) are being considered, but are not moving forward at this time. Please let me know if you have questions or require additional information.

**TOWN OF FRANKLIN  
ZONING BY-LAW AMENDMENT 18-815  
COMMERCIAL I SIDE YARD AND MAXIMUM IMPERVIOUS  
COVERAGE 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 and ~~deletions~~** to §185, Attachment 9 Schedule of Lot, Area, Frontage, Yard and Height Requirements:

185 Attachment 9

Schedule of Lot, Area, Frontage, Yard and Height Requirements

District	Minimum Lot Dimensions				Minimum Yard Dimensions			Maximum Height of Building		Maximum Impervious Coverage of Existing	
	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 <sup>3</sup>
Rural Residential I	40,000	200	200	180 <sup>4</sup>	40	40	40	3	35	20	25
Residential VI	40,000	200	200	180 <sup>4</sup>	40	40	40	3	35	20	25
Residential VII <sup>11</sup>	40,000	200	200	180 <sup>4</sup>	40	40	40	3	35	20 <sup>12</sup>	25 <sup>12</sup>
Rural Residential II	30,000	150	200	135 <sup>4</sup>	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
Rural Business <sup>13</sup>	40,000	200	200	180	40	30	40	1.5	30	10	30
Downtown Commercial	5,000	50	50	45	5 <sup>10</sup>	0 <sup>2</sup>	15	3 <sup>9</sup>	40 <sup>9</sup>	80	90
Commercial I <sup>7</sup>	5,000	50	50	45	20 <sup>1</sup>	0 <sup>2</sup> 10 <sup>14</sup>	15	3 <sup>6</sup>	40 <sup>6</sup>	<del>90-80</del>	<del>100-90</del>
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 <sup>5</sup>	30 <sup>5</sup>	3 <sup>6</sup>	-	70	80
Limited Industrial	40,000	175	200	157.5	40	30 <sup>8</sup>	30 <sup>8</sup>	3 <sup>6</sup>	40 <sup>6</sup>	70	80
Office	40,000	100	100	90	20	30 <sup>5</sup>	30 <sup>5</sup>	3 <sup>6</sup>	40 <sup>6</sup>	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:

- <sup>1</sup> But no new structure shall be required to provide a deeper yard than that existing on that parcel upon adoption of this amendment.
- <sup>2</sup> Increase to 20 feet when abutting a residential district.
- <sup>3</sup> See definition of Upland §185-3, §185-36. Impervious Surfaces and §185-40. Water Resource District.
- <sup>4</sup> 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.
- <sup>5</sup> Increase by the common building height of the structure, when abutting a residential use.
- <sup>6</sup> Up to 5 stories and/or 60 feet, whichever is greater, may be permitted by a special permit from the Planning Board.
- <sup>7</sup> Permitted residential uses must observe requirements of General Residential V District for residential use building only. Mixed use buildings are exempt from this requirement.
- <sup>8</sup> Increase by 1.5 the common building height of a structure, when abutting a residential district or use.
- <sup>9</sup> Up to 4 stories and/or 50 feet, whichever is greater, may be permitted by a special permit from the Planning Board provided the structure is set back at least 15 feet from frontage.
- <sup>10</sup> Minimum 5' setback required on first floor, street level; upper floors can overhang required first floor set back.
- <sup>11</sup> See §185-50.
- <sup>12</sup> 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.
- <sup>13</sup> 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.

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**DATED:** \_\_\_\_\_, 2018

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

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

**Teresa M. Burr**  
**Town Clerk**

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

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

---

**Glenn Jones, Clerk**

# Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



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

July 24, 2018

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

## **CERTIFICATE OF VOTE**

Zoning By-law Amendment #18-815

§185 Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements

**Petitioner:** Town Administration

Dear Mrs. Burr:

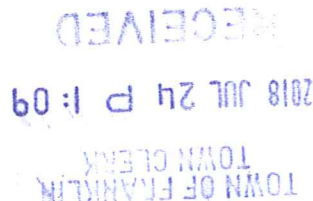
Please be advised that at its meeting on Monday, July 23, 2018 the Planning Board, upon motion duly made and seconded, voted (4-0-1) to **RECOMMEND**, *as presented*, to the Town Council the amendment of Zoning By-law #18-815, Schedule of Lot, Area, Frontage, Yard and Height Requirements.

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

Sincerely,

Anthony Padula  
Chairman, Planning Board

cc: Town Council  
Town Administrator  
Deputy Town Administrator



# Town of Franklin



## Planning Board

TOWN OF FRANKLIN  
TOWN CLERK  
2018 JUN 25 P 3:08  
RECEIVED

The following notice will be published in the Milford Daily Newspaper on  
Monday, July 9, 2018 and Monday, July 16, 2018

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In accordance with the provisions of M.G.L. Chapter 40A, Section 5, notice is hereby given that the Planning Board will hold a Public Hearing on July 23, 2018 at 7:10 PM and the Town Council will hold a Public Hearing on August 8, 2018 at 7:10 PM in the Town Council Chambers of the Municipal Building, 355 East Central Street, to consider amending Chapter 185, Attachment 9 requirements of the Code of the Town of Franklin as follows:

### **ZONING BY-LAW AMENDMENT 18-815**

#### **Changes to §185, Attachment 9, 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 increasing the side yard setback and decreasing allowable impervious coverage.

Please contact the Department of Planning & Community Development at 508-520-4907 if you require further information or if you need to make arrangements to provide translation services for the hearing impaired or for persons with language barriers.

Anthony Padula, Chairman  
Franklin Planning Board

Matt Kelly, Chairman  
Franklin Town Council



**FRANKLIN PLANNING & COMMUNITY DEVELOPMENT**

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

**MEMORANDUM**

**TO: JEFFREY D. NUTTING, TOWN ADMINISTRATOR**  
**FROM: BRYAN W. TABERNER, AICP, DIRECTOR**  
**RE: ZONING BYLAW AMENDMENT 18-816: POULTRY USE REGULATIONS**  
**CC: FRANKLIN PLANNING BOARD**  
**JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR**  
**GUS BROWN, ZONING ENFORCEMENT**  
**AMY LOVE, PLANNER**  
**DATE: JUNE 14, 2018**

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Department of Planning and Community Development (DPCD) was asked to draft a zoning bylaw amendment related to poultry.

As you know the Economic Development Committee discussed the proposed zoning changes at their June 6, 2018 meeting, and voted to send the issue to the full Council for consideration. If Town Council supports the changes I request it vote to refer the zoning bylaw amendment to the Planning Board for a public hearing. Please let me know if you have questions or require additional information.

**Sponsor:** *Administration*

**TOWN OF FRANKLIN**

**ZONING BY-LAW AMENDMENT 18-816: POULTRY USE REGULATIONS,**

**CHANGES TO CHAPTER 185, USE REGULATIONS  
SCHEDULE PARTS I AND VII**

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

Chapter 185 of the Code of the Town of Franklin is hereby amended by the following **Additions** and **~~Deletions~~** to §185 Use Regulations Schedule Parts I and VII, Attachments 2 and 8:

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	RB	CI	CII	DC	B	I	LI	O
1. Agriculture, horticulture and floriculture														
1.1 Nursery, greenhouse	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y
1.2 Produce stand <sup>1</sup>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
1.3 Other, parcel of 5 or more acres	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
1.4 Other, parcel under 5 acres:														
a. With swine or fur-bearing animals for commercial use	N	N	N	N	N	N	N	N	N	N	N	N	N	N
b. With other livestock <del>or poultry</del>	Y <sup>2</sup>	Y <sup>2</sup>	N	N	N	N	N	N	N	N	N	N	N	N
c. With no livestock	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
<b>d. With poultry</b>	<u>Y<sup>3</sup></u>	<u>Y<sup>3</sup></u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
1.5 Garden Center, Retail or Wholesale	PB	PB	PB	PB	PB	PB	PB	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.
- 3 Any related structure shall be to the rear of the property's primary building, and at least 25 feet from side and rear property lines.**

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.

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	N	Y	Y	N	N	N	N	N
A2 Contractor's yard	N		N	N	N	N	N	N	N	N	Y	Y	N	N
a. Landscape materials storage and distribution	N		N	N	N	Y <sup>3</sup>	Y <sup>3</sup>	N	N	N	Y	Y	N	N
A3 Home occupation (See § 185-39B.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N
A4 Manufacture, assembly, packing of goods sold on premises	N		N	N	N	Y <sup>1</sup>	N	Y <sup>1</sup>	Y <sup>1</sup>	Y <sup>1</sup>	Y	Y	N	Y <sup>1</sup>
A5 Off-street parking (See § 185-39C.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
A6 Professional office, studio (See § 185-39A.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
A7 Restaurant, bar	N		N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
A8 Retail sale of nonagricultural products manufactured, warehoused or manufactured, warehoused or distributed on or from premises	N		N	N	N	Y	N	Y	Y	Y	Y	Y <sup>2</sup>	N	Y <sup>2</sup>
A9 Scientific use in compliance with § 185-37	BA		BA	BA	BA	BA	N	BA	BA	BA	Y	Y	Y	Y
A10 Signs (See § 185-20.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
A11 Single-family dwelling for personnel required for safe operation	Y		Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y
A12 Other customary accessory uses	Y		Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
A13 Other retail sales, services	N		N	N	N	Y	N <sup>4</sup>	Y	Y	Y	Y	Y	Y	Y
A13.1 Animal grooming	BA		BA	BA	BA	BA	N	Y	BA	Y	BA	BA	BA	BA
A14 Operation of not more than 5 automatic amusement devices	N		N	N	N	N	N	N	Y	Y	Y	Y	N	N
A15 Warehouse/distribution facility	N		N	N	N	N	N	N	Y	N	Y	Y	N	Y
A16 Wholesale office, salesroom														
a. With storage	N		N	N	N	N	N	Y	Y	Y	Y	Y	N	Y
b. Without storage	N		N	N	N	N	N	Y	Y	Y	Y	Y	Y <sup>3</sup>	Y
A17 Catering	N		N	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y
A18 Function hall	N		N	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y
<b>A19 Agricultural with Poultry, parcel under 5 acres</b>	<b>Y<sup>5</sup></b>		<b>Y<sup>5</sup></b>	<b>Y<sup>5</sup></b>	<b>Y<sup>5</sup></b>	<b>Y<sup>5</sup></b>	<b>Y<sup>5</sup></b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>

NOTES:

1. But N if occupying more than 50% of the floor area occupied by the principal use and not more than five persons employed on the premises in the DC District and CI District and not more than 10 persons in the CII District and O District.
2. Provided that no more than 25% of the total floor space is used for display or retailing.
3. Such uses shall be restricted to seasonal operations only.
4. Accessory retail sales within a Country Store, as defined in §185-3, shall not exceed 50% of the establishment's floor area open to the public.
- 5. Any related structure shall be to the rear of the property's primary building, and at least 25 feet from side and rear property lines.**

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:** \_\_\_\_\_, 2018

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

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

**Teresa M. Burr**  
**Town Clerk**

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

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

---

**Glenn Jones, Clerk**

# Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



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

July 24, 2018

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

## **CERTIFICATE OF VOTE**

Zoning By-law Amendment #18-816  
§185 Use Regulations Schedule Parts I and VII, Attachments 2 and 8

**Petitioner:** Town Administration

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, July 23, 2018 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to **RECOMMEND**, *as presented*, to the Town Council the amendment of Zoning By-law #18-815, Use Regulations Schedule Parts I and VII, Attachments 2 and 8.

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

Sincerely,

  
Anthony Padula  
Chairman, Planning Board

cc: Town Council  
Town Administrator  
Deputy Town Administrator

RECEIVED  
2018 JUL 24 P 1:09  
TOWN OF FRANKLIN  
TOWN CLERK

TOWN OF FRANKLIN  
TOWN CLERK  
2018 JUN 25 P 3:08  
RECEIVED

## Town of Franklin



## Planning Board

The following notice will be published in the Milford Daily Newspaper on  
Monday, July 9, 2018 and Monday, July 16, 2018

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In accordance with the provisions of M.G.L. Chapter 40A, Section 5, notice is hereby given that the Planning Board will hold a Public Hearing on July 23, 2018 at 7:10 PM and the Town Council will hold a Public Hearing on August 8, 2018 at 7:10 PM in the Town Council Chambers of the Municipal Building, 355 East Central Street, to consider amending Chapter 185, Use Regulations Schedule Parts I and VII. Requirements of the Code of the Town of Franklin as follows:

### **ZONING BY-LAW AMENDMENT 18-816**

**Changes to §185, Use Regulations Schedule Parts I and VII, Attachments 2 and 8.**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by allowing poultry set back from the side and rear of any structure be a minimum of 25 feet.

Please contact the Department of Planning & Community Development at 508-520-4907 if you require further information or if you need to make arrangements to provide translation services for the hearing impaired or for persons with language barriers.

Anthony Padula, Chairman  
Franklin Planning Board

Matt Kelly, Chairman  
Franklin Town Council

# **FRANKLIN PLANNING & COMMUNITY DEVELOPMENT**

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

## **MEMORANDUM**

**TO: JEFFREY D. NUTTING, TOWN ADMINISTRATOR**  
**FROM: BRYAN W. TABERNER, AICP, DIRECTOR**  
**RE: ZONING BYLAW AMENDMENT 18-818: MAXIMUM BUILDING HEIGHT  
DIMENSIONAL REGULATIONS**  
**CC: JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR  
AMY LOVE, PLANNER**  
**DATE: JUNE 28, 2018**

---

As you know the Economic Development Committee has debated the issue of maximum building heights during its recent meetings. Originally maximum building heights in the Commercial I Zoning District was the main subject of discussion, but other commercial and business Zoning Districts were eventually included. Consensus was reached at their June 20, 2018 meeting; the Committee voted to send the proposed amendments to the full Council for consideration.

DPCD has developed a zoning bylaw amendment related to maximum building heights in the following zoning districts: Commercial I (CI), Commercial II (CII), Downtown Commercial (DC), and Business (B). Below is a summary of current and proposed regulation.

### Current Maximum Building Height By Right

Currently all four zoning districts allow up to 3 stories and a maximum height of 40 feet by-right; no changes are proposed for by-right maximum building height.

### Current Maximum Building Height By Special Permit

Downtown Commercial Zoning District. In the DC zoning district 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.

Commercial I Zoning District. Up to 5 stories and/or 60 feet, whichever is greater, may be permitted by a special permit from the Planning Board.

Commercial II and Business Zoning Districts. A special permit for additional height is not currently an option for development within the Commercial II or Business Zoning Districts.

### Proposed Maximum Building Height By Special Permit

The proposed bylaw Amendment would allow developers to apply for a Planning Board special permit for building heights up to 50 feet in each of the four zoning districts.



In addition, the Zoning Bylaw amendment would eliminate the specific number of stories that may be allowed by special permit in each of the four zoning districts, giving developers/property owners more flexibility with building design.

The chart below provides a summary of proposed changes.

Zoning District	Maximum Building Height Allowed By Right		Maximum Height that <u>May</u> be Allowed by Planning Board Special Permit			
			Current Regulation		Proposed Regulation	
	Stories	Feet	Stories	Feet	Stories	Feet
DC	3	40	4 <sup>1</sup>	50 <sup>1</sup>	NA <sup>4</sup>	50 <sup>5</sup>
CI	3	40	5 <sup>2</sup>	60 <sup>2</sup>	NA <sup>4</sup>	50
CII	3	40	No <sup>3</sup>	No <sup>3</sup>	NA <sup>4</sup>	50
B	3	40	No <sup>3</sup>	No <sup>3</sup>	NA <sup>4</sup>	50

Notes:

<sup>1</sup> 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.

<sup>2</sup> Up to 5 stories and/or 60 feet, whichever is greater, may be permitted by a special permit from the Planning

<sup>3</sup> Special permit for additional height is not currently an option.

<sup>4</sup> Not applicable. The number of stories is not important, only the maximum build height.

<sup>5</sup> Buildings up to 50 feet in height may be permitted by a special permit from the Planning Board provided the structure is set back at least 15 feet from frontage.

#### Why Change Commercial I Regulations?

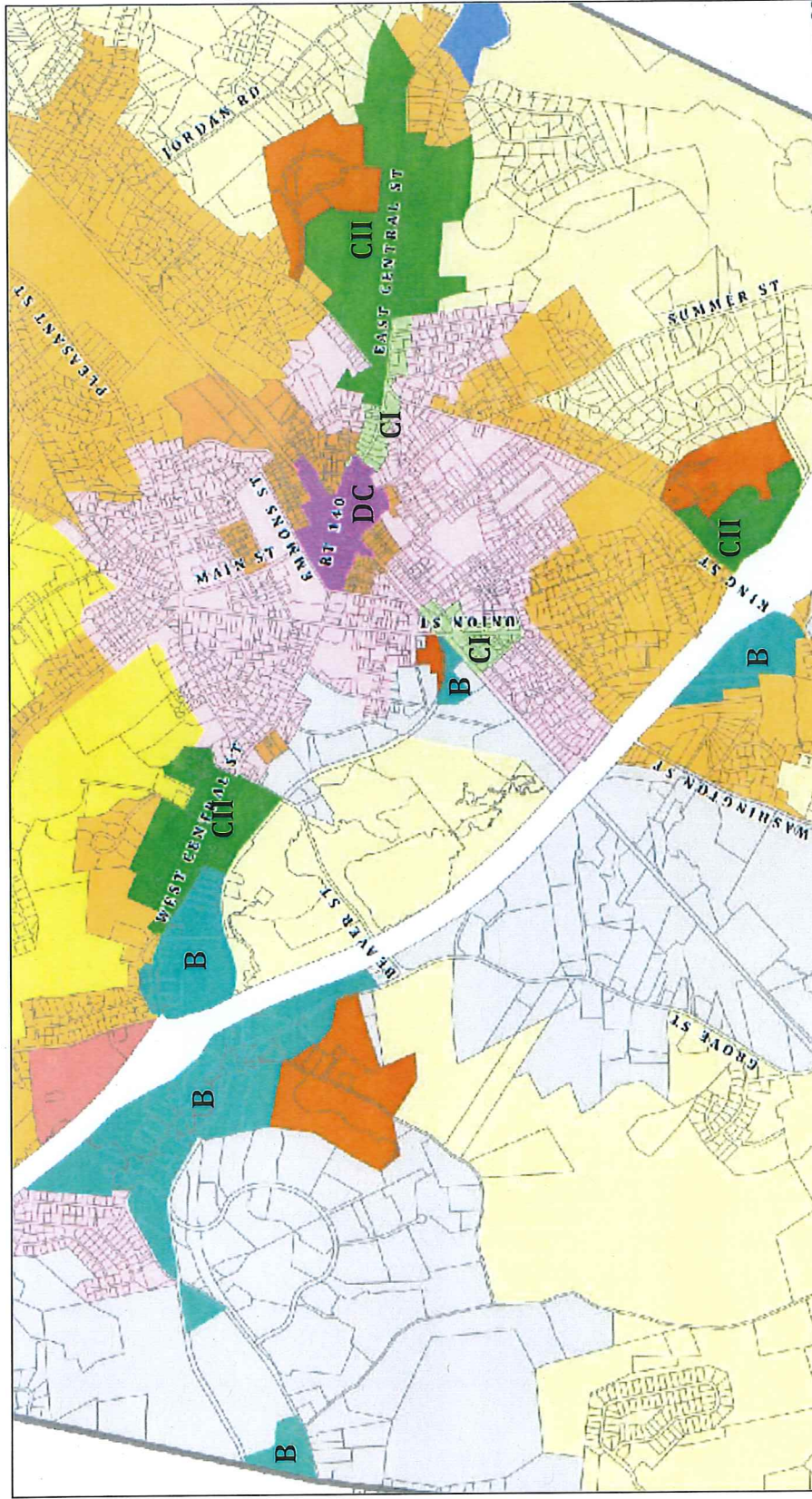
Town staff recommend changing the maximum height allowed by special permit in C1 to 50 feet. The CI Zoning District is generally along Union Street and Cottage Street, as well as on East Central Street near the King/Chestnut Street intersection. The buildings are generally smaller/shorter buildings than in the Downtown area. Having a 60 foot building in these areas would be completely out of character, especially in the Union/Cottage Street neighborhood.

Attached are the following:

- Diagram showing the location of Franklin's commercial and business Zoning Districts;
- Zoning Bylaw Amendment 18-818: Maximum Building Height Dimensional Regulations.

Please let me know if you have questions or require additional information.

# Location of Franklin's Commercial and Business Zoning Districts



	<b>B</b>
	<b>CI</b>
	<b>CII</b>
	<b>DC</b>
	<b>Commercial District</b>

June 28, 2018  
Franklin DPCD

**FOR DISCUSSION**

District	Current Stories By right	Current Height By right	Stories BY SP	Current Height SP	Proposed Change Special Permit	Proposed Ideas
Industrial	3	40	N/A	60		No Change
Downtown C1	3	40	4	50		The Cake Bar is 38 feet Make same as Downtown
Business C2	3	40	5	60	50	Elim stories/reduce height
	3	40	N/A		50	Increase height
	3	40	N/A		50	Increase height

Business and C2 currently have 3 stories and 40 feet by right. This would change C1, C2 and Business to 50 feet by special permit and eliminate the number of stories by special permit in all zones listed

**Why reduce Height in C1-**

C1 is at generally along Union Street and Cottage Street. The buildings are generally smaller/short buildings Having a 60 foot building in that neighborhood would be completely out of character C1 on East Central from Ruggles to King street on the East side and to Lewis Street on the West side Having buildings higher than in Downtown makes no sense. Most of the structures are two stories A jump to five stories would be out of character

Business Zone is at the Franklin Village Mall and in two locations on the West side of 495 One at exit 16 and the other at exit 17

**Red Final recommendation to be determined by subcommittee**

**Sponsor:** *Administration*

**TOWN OF FRANKLIN**  
**ZONING BY-LAW AMENDMENT 18-818:**  
**MAXIMUM BUILDING HEIGHT 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 and deletions** 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	
	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 <sup>3</sup>
Rural Residential I	40,000	200	200	180 <sup>4</sup>	40	40	40	3	35	20	25
Residential VI	40,000	200	200	180 <sup>4</sup>	40	40	40	3	35	20	25
Residential VII <sup>11</sup>	40,000	200	200	180 <sup>4</sup>	40	40	40	3	35	20 <sup>12</sup>	25 <sup>12</sup>
Rural Residential II	30,000	150	200	135 <sup>4</sup>	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
Rural Business <sup>13</sup>	40,000	200	200	180	40	30	40	1.5	30	10	30
Downtown Commercial	5,000	50	50	45	5 <sup>10</sup>	0 <sup>2</sup>	15	3 <sup>9</sup>	40 <sup>9</sup>	80	90
Commercial I <sup>7</sup>	5,000	50	50	45	20 <sup>1</sup>	0 <sup>2</sup>	15	<del>3</del> 3 <sup>14</sup>	<del>40</del> 40 <sup>14</sup>	90	100
Commercial II	40,000	175	200	157.5	40	30	30	<del>3</del> 3 <sup>14</sup>	<del>40</del> 40 <sup>14</sup>	70	80
Business	20,000	125	160	112.5	40	20	30	<del>3</del> 3 <sup>14</sup>	<del>40</del> 40 <sup>14</sup>	70	80
Industrial	40,000	175	200	157.5	40	30 <sup>5</sup>	30 <sup>5</sup>	3 <sup>6</sup>	-	70	80
Limited Industrial	40,000	175	200	157.5	40	30 <sup>8</sup>	30 <sup>8</sup>	3 <sup>6</sup>	40 <sup>6</sup>	70	80
Office	40,000	100	100	90	20	30 <sup>5</sup>	30 <sup>5</sup>	3 <sup>6</sup>	40 <sup>6</sup>	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:

<sup>1</sup> But no new structure shall be required to provide a deeper yard than that existing on that parcel upon adoption of this amendment.

<sup>2</sup> Increase to 20 feet when abutting a residential district.

<sup>3</sup> See definition of Upland §185-3, §185-36. Impervious Surfaces and §185-40. Water Resource District.

<sup>4</sup> 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.

<sup>5</sup> Increase by the common building height of the structure, when abutting a residential use.

<sup>6</sup> ~~Buildings up to 60 feet in height Up to 5 stories and/or 60 feet, whichever is greater,~~ may be permitted by a special permit from the Planning Board.

<sup>7</sup> Permitted residential uses must observe requirements of General Residential V District for residential use building only. Mixed use buildings are exempt from this requirement.

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

<sup>9</sup> ~~Buildings up to 50 feet in height Up to 4 stories and/or 50 feet, whichever is greater,~~ may be permitted by a special permit from the Planning Board provided the structure is set back at least 15 feet from frontage.

<sup>10</sup> Minimum 5' setback required on first floor, street level; upper floors can overhang required first floor set back.

<sup>11</sup> See §185-50.

<sup>12</sup> 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.

<sup>13</sup> Maximum gross building footprint of non-residential primary use structures is 3,500 square feet.

<sup>14</sup> Buildings up to 50 feet in height may be permitted by a special permit from the Planning Board.

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:** \_\_\_\_\_, 2018

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

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

**Teresa M. Burr**  
**Town Clerk**

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

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

---

**Glenn Jones, Clerk**



# OFFICE OF THE TOWN ADMINISTRATOR

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## MEMORANDUM

---

**DATE:** July 23, 2018  
**TO:** Town Council  
**FROM:** Jeffrey D. Nutting, Town Administrator  
**RE:** Parking in Downtown

---

After two neighborhood meetings with residents of West, East, Union, Nason, and Church Ave, etc. We are recommending that the parking restrictions be expanded as outlined in the proposed map. No parking on one side of some streets and 2 hours parking 6 AM to 10 AM in other areas. This will allow the neighborhood to have consistent parking regulations.

Further we have striped spaces in the neighborhood to ensure that the folks can get out of their driveways, the trash can get pick-up and the cars are not parked too close to curbs.

We are hopeful the stripe space, expanded parking regulations and the changes made by Dean College will improve the parking problem in the neighborhood.

We will monitor the parking and if further actions are required we will advise the Council.

**Cc:** Thomas Lynch, Police Chief  
Robert Cantoreggi, Public Works Director



Sponsor: Administration

**TOWN OF FRANKLIN  
BYLAW AMENDMENT 18-819  
CHAPTER 170, VEHICLES AND TRAFFIC**

**A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 170, VEHICLES AND TRAFFIC AT ARTICLE IV, STOPPING, STANDING AND PARKING, §170-15 PARKING PROHIBITIONS AND LIMITATIONS D. PARKING PROHIBITED.**

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

§170-15 Parking prohibitions and limitations.

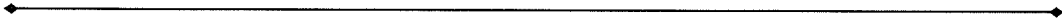
No person shall stand or park any vehicle at any time:

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

(1) Downtown Parking District: Boundaries are those contained on map captioned "Downtown Parking District" prepared by Town of Franklin Engineering Department ~~dated July 13, 2016~~ **and created July 13, 2016 and revised July 31, 2018** on file with the Town Clerk, a copy of which is appended hereto as "Attachment 1"; prohibitions and limitations on streets contained within the district are shown on said map.

This bylaw amendment shall become effective according to the provisions of the Franklin Home Rule Charter.





DATED: \_\_\_\_\_, 2018

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

A True Record Attest:








Teresa M. Burr  
Town Clerk

---

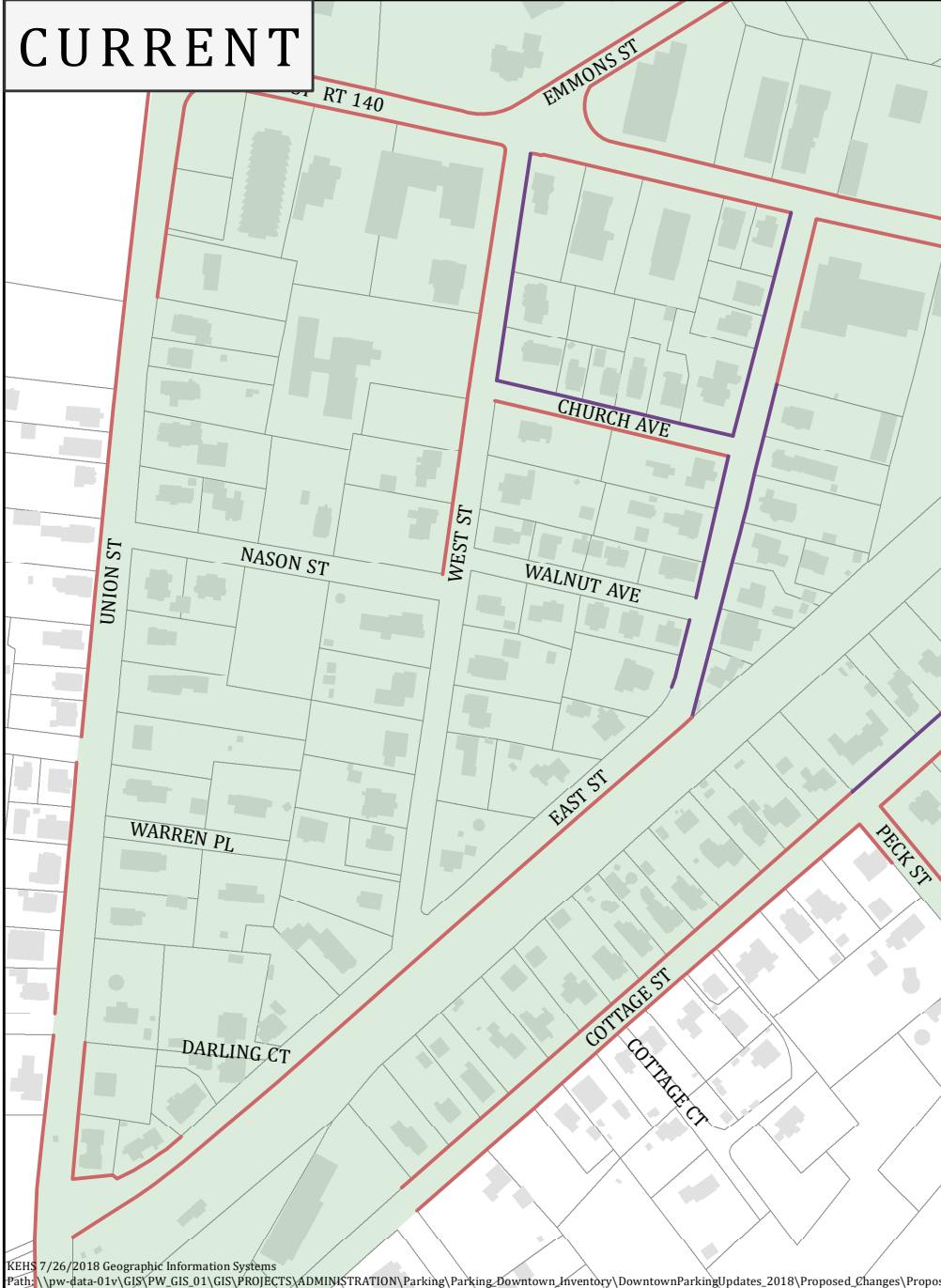
Glenn Jones, Clerk  
Franklin Town Council

# Proposed Downtown Parking District Changes

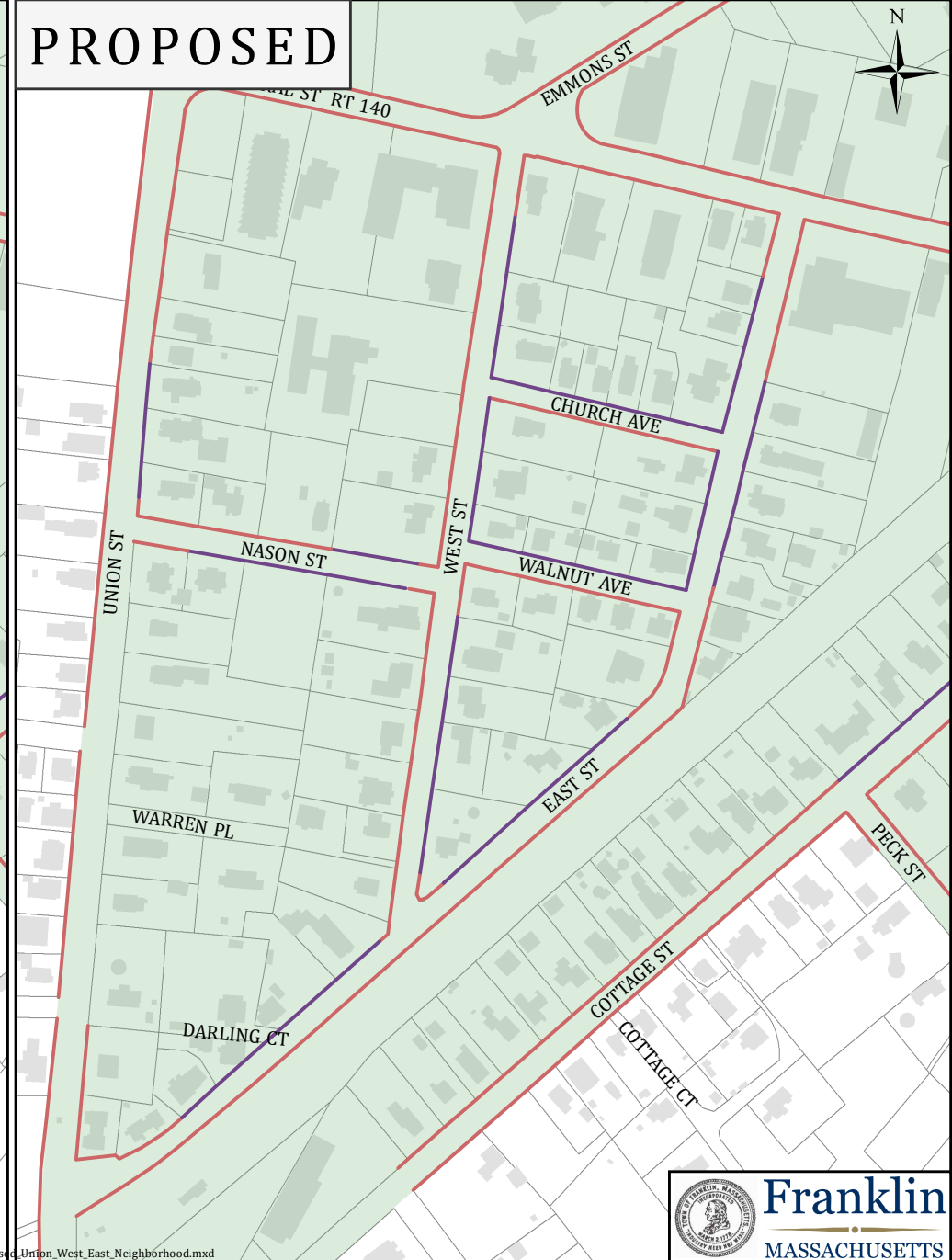
0 62.5 125 250 375 500 Feet

-  Merchant Permit 6am-2pm, M-F
-  2 HR 6am-10am, M-F
-  2 HR 8am-2pm, M-F
-  No Parking
-  Downtown Parking District
-  Building
-  Parcel

## CURRENT



## PROPOSED




# DOWNTOWN PARKING DISTRICT

- Parking Zones On Public Ways\***
- Merchant Permit 6am-2pm, M-F
  - 2 HR 6am-10am, M-F
  - 2 HR 8am-2pm, M-F
  - No Parking

- Handicapped Parking
- Loading Zone
- Downtown Parking District
- Building
- Parcel

\*All parking zones are subject to local bylaw §170-14, including, but not limited to, no parking within 20 feet of any intersecting way or 10 feet of a fire hydrant.

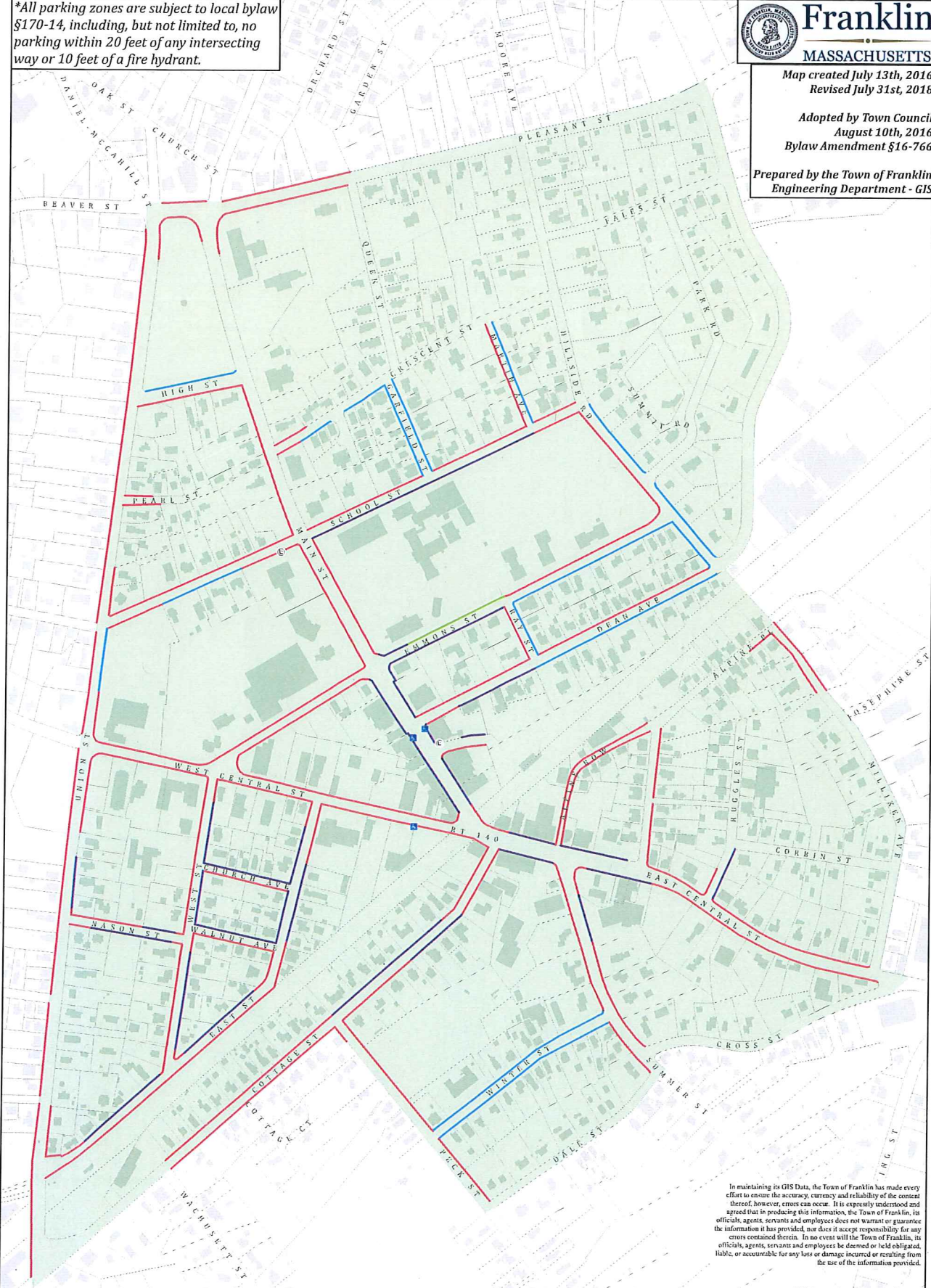
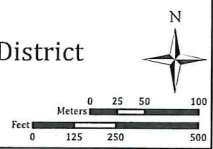


**Franklin**  
MASSACHUSETTS

Map created July 13th, 2016  
Revised July 31st, 2018

Adopted by Town Council  
August 10th, 2016  
Bylaw Amendment §16-766

Prepared by the Town of Franklin  
Engineering Department - GIS



In maintaining its GIS Data, the Town of Franklin has made every effort to ensure the accuracy, currency and reliability of the content 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.



## License Transactions:

Applicant: Franklin BBC, LLC  
d/b/a British Beer Company

The applicant is seeking a change of Manager on their alcoholic beverages license to Joscelyn Carson.

**MOTION** to approve the request by Table & Vine, Inc. for a change of Manager to Joscelyn Carson.

**DATED:** \_\_\_\_\_, 2018

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

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

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

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

**A True Record Attest:**

**Teresa M. Burr**  
**Town Clerk**

---

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





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

00071-RS-0430

Franklin

6/7/2018

ABCC License Number

City/Town

Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

- Change of Manager
Change of License
Change of Beneficial Interest
Change of Corporate Name
Change of DBA
Change of Location
Pledge of Collateral
Change of Class
Change of License Type
Change of Category
Change Corporate Structure
Change of Hours
Issuance/Transfer of Stock/New Stockholder
Management/Operating Agreement

APPLICANT INFORMATION

Name of Licensee: Franklin BBC, LLC
D/B/A: British Beer Company
ADDRESS: 280 Franklin Village Drive
CITY/TOWN: Franklin
STATE: MA
ZIP CODE: 02038
Manager: Joscelin Carson
Type: \$12 Restaurant
Class: Annual
Category: All Alcoholic Beverages
Granted under Special Legislation? Yes No
If Yes, Chapter of the Acts of (year)

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the Local Licensing Authority: Approves this Application
Please indicate what days and hours the licensee will sell alcohol: Mon. -Sun. 11a-1p

If Approving With Modifications, please indicate below what changes the LLA is making:

Table with columns: Changes to the Premises Description, Indoor Area, Patio/Deck/Outdoor Area, Seating Capacity, Number of Entrances, Number of Exits, Floor Number, Square Footage, Number of Rooms.

Abutters Notified: Yes No
Date of Abutter Notification: N/A
Date of Advertisement: N/A

Please add any additional remarks or conditions here:

Check here if you are attaching additional documentation

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

Glenn Jones
Clerk, Franklin Town Council

Date APPROVED by LLA

Signature lines for the Commission and Council



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

Print Form

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

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

ECRT CODE: RETA

Please make \$200.00 payment here: <https://www.paybill.com/mass/abcc/retail/>

(PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

Franklin BBC LLC

EPAY CONFIRMATION NUMBER

158003

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

043000071

LICENSEE NAME

Franklin BBC LLC

ADDRESS

280 Franklin Village Dr.

CITY/TOWN

Franklin

STATE

MA

ZIP CODE

02038

**TRANSACTION TYPE (Please check all relevant transactions):**

- Alteration of Licensed Premises
- Change Corporate Name
- Change of License Type
- Change of Location
- Change of Manager
- Other
- Cordials/Liqueurs Permit
- Issuance of Stock
- Management/Operating Agreement
- More than (3) \$15
- New License
- New Officer/Director
- New Stockholder
- Pledge of Stock
- Pledge of License
- Seasonal to Annual
- Transfer of License
- Transfer of Stock
- Wine & Malt to All Alcohol
- 6-Day to 7-Day License

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

**ALCOHOLIC BEVERAGES CONTROL COMMISSION  
 239 CAUSEWAY STREET  
 BOSTON, MA 02241-3396**

**Your Payment Has Been Approved**

License Number 043000071

License Type Retail License Filing Fee

Method Of Payment Checking

Bank Account Number \*\*\*\*9950

**Your Confirmation Number Is 158003.**

Exit

Make Another Payment

Print



The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**AMENDMENT APPLICATION FOR A CHANGE OF MANAGER**

Please complete this entire application, leaving no fields blank. If field does not apply to your situation, please write N/A.

**1. NAME OF LICENSEE** (Business Contact) Franklin BBC, LLC

ABCC License Number 043000071 City/Town of Licensee Franklin

**2. APPLICATION CONTACT**

The application contact is required and is the person who will be contacted with any questions regarding this application.

First Name: Joscelin Middle: Eliza Last Name: Carson

Title: Employee Primary Phone: 612-910-4414

Email: joscelincarson@britishbeer.com

**3. BUSINESS CONTACT**

Please complete this section ONLY if there are changes to the Licensee phone number, business address (corporate headquarters), or mailing address.

Entity Name: N/A

Primary Phone: N/A Fax Number: N/A

Alternative Phone: N/A Email: N/A

**Business Address (Corporate Headquarters)**

Street Number: 15 Street Name: Richards Rd.

City/Town: Plymouth State: MA

Zip Code: 02360 Country: US

**Mailing Address**  Check here if your Mailing Address is the same as your Business Address

Street Number: N/A Street Name: N/A

City/Town: N/A State: N/A

Zip Code: N/A Country: N/A



**APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGES LICENSE**

**4. MANAGER CONTACT**

The Manager Contact is required and is the individual who will have day-to-day, operational control over the liquor license.

Salutation  First Name  Middle Name  Last Name  Suffix

Social Security Number  Date of Birth

Primary Phone:  Email:

Mobile Phone:  Place of Employment

Alternative Phone:  Fax Number

**Citizenship / Residency / Background Information of Proposed Manager**

Are you a U.S. Citizen?  Yes  No

Do you have direct, indirect, or financial interest in this license?  Yes  No

Have you ever been convicted of a state, federal, or military crime?  Yes  No  
If yes, attach an affidavit that lists your convictions with an explanation for each

If yes, percentage of interest

Have you ever been Manager of Record of a license to sell alcoholic beverages?  Yes  No

If yes, please indicate type of Interest (check all that apply):

If yes, please list the licenses for which you are the current or proposed manager:

Officer  Sole Proprietor  
 Stockholder  LLC Manager  
 LLC Member  Director  
 Partner  Landlord  
 Contractual  Revenue Sharing  
 Management Agreement  Other

Please indicate how many hours per week you intend to be on the licensed premises

**Employment Information of Proposed Manager**

Please provide your employment history for the *past 10 years*

Date(s)	Position	Employer	Address	Phone
08-07-15 - 04-2016	Manager	Daddy Ryans	709 Rodeo Drive, Hudson WI	715-381-8205
05-2016 - 11-2016	Manager	Post Office Pub	1 Ray St, N Grafton Ma	508-839-6106
11-2016 - 07-2017	Manager	British Beer Company	225 Shrewsbury St, Worcester Ma	508-799-5100
07-2017 - 04-2018	Manager	British Beer Company	120 Worcester Rd, Framingham Ma	508-879-1776
04-2018 - Present	GM	British Beer Company	280 Franklin Village Dr., Franklin Ma	508-440-5196

**Prior Disciplinary Action of Proposed Manager**

Have you ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following: **NO**

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation
N/A	N/A	N/A	N/A	N/A

Town of Franklin

Town Administrator  
Tel: (508) 520-4949



Fax: (508) 520-4903

355 East Central Street  
Franklin, Massachusetts 02038-1352

Manager of Record Experience Policy

The Town of Franklin requires a resume or written statement to be submitted with the application for a new alcohol license, transfer of license or change of manager, which details the proposed manager's experience serving or selling alcohol, training employees who serve or sell alcohol, supervision of employees who serve or sell alcohol and any other relevant experience.

Resumes or written statements are only required for the individual who will be the manager of record for the establishment.

I Am an experienced restaurant manager, working in the business for the last 14 years. I Started with the British Beer Company in November 2016 at the Worcester location then moving up to the Framingham location. Most recently I have been awarded the position of GM here at Franklin. Prior to working in Massachusetts, I managed a family owned restaurant in Hudson, Wisconsin for ten years. I am both tips and Serve-Safe certified. I also have my crowd management, Allergen awareness and choice-Safe certifications. I strive to keep a safe and healthy work environment for staff and patrons and have a genuine love for this business.

Steven

**ADDITIONAL SPACE**

The following space is for any additional information you wish to supply or to clarify an answer you supplied in the application.

If referencing the application, please be sure to include the number of the question to which you are referring.

**APPLICANT'S STATEMENT**

I, Gary Simon the:  sole proprietor;  partner;  corporate principal;  LLC/LLP member  
Authorized Signatory

of Franklin BBC, LLC, hereby submit this application for Change of Manager  
Name of the Entity/Corporation Transaction(s) you are applying for

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

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

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises does not violate any requirement of the ABCC or other state law or local ordinances;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the Application information as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of, the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

Signature: 

Date: 06/07/2018

Title: Managing Member

## Vote of Franklin BBC , LLC

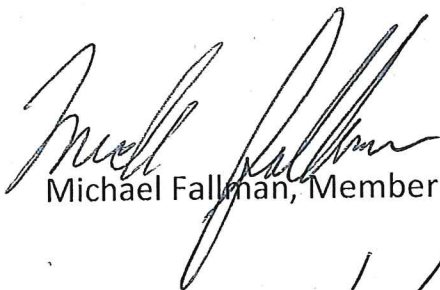
The undersigned, representing all of the members of the Franklin BBC, LLC and the managing member of the Franklin BBC, LLC hereby vote to and hereby authorize all action in connection with change of manager at the British Beer Company located at 280 Franklin Village Dr, Franklin Massachusetts from Ryan Potter to Joscelin Carson and the undersigned hereby authorize all other action in connection therewith.



Gary Simon, Member and Managing Member



Douglas Freeman, Member



Michael Fallman, Member

Date 6/12/18



## License Transactions:

Applicant: Table & Vine, Inc.

The applicant is seeking a change of Manager on their alcoholic beverages license to Michael S. Gold.

**MOTION** to approve the request by Table & Vine, Inc. for a change of Manager to Michael S. Gold

**DATED:** \_\_\_\_\_, 2018

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

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

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

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

**A True Record Attest:**

**Teresa M. Burr**  
Town Clerk

\_\_\_\_\_  
**Glenn Jones, Clerk**  
**Franklin Town Council**



The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission

For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

00079-PK-0430

Franklin

7/16/2018

ABCC License Number

City/Town

Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

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

APPLICANT INFORMATION

Name of Licensee  D/B/A

ADDRESS:  CITY/TOWN:  STATE  ZIP CODE

Manager

\$15 Package Store (i.e. restaurant, package store)

Type (i.e. restaurant, package store) Class (Annual or Seasonal) Category (i.e. Wines and Malts / All Alcohol)

Granted under Special Legislation? Yes  No

If Yes, Chapter  of the Acts of (year)

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the Local Licensing Authority:

Please indicate what days and hours the licensee will sell alcohol:

If Approving With Modifications, please indicate below what changes the LLA is making:

Please indicate if the LLA is downgrading the License Category (approving only Wines and Malts if applicant applied for All Alcohol):

Changes to the Premises Description	Indoor Area	Floor Number	Square Footage	Number of Rooms
Total Square Footage	<input type="text" value="N/A"/>			
Patio/Deck/Outdoor Area Total Square Footage	<input type="text" value="N/A"/>			
Number of Entrances	<input type="text" value="N/A"/>			
Seating Capacity	<input type="text" value="N/A"/>			
Number of Exits	<input type="text" value="N/A"/>			

Abutters Notified: Yes  No  Date of Abutter Notification  Date of Advertisement

Please add any additional remarks or conditions here:

Check here if you are attaching additional documentation

Alcoholic Beverages Control Commission  
Ralph Sacramone  
Executive Director

The Local Licensing Authorities By:

\_\_\_\_\_  
Glenn Jones  
Clerk, Franklin Town Council

\_\_\_\_\_  
Date APPROVED by LLA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

Print Form

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
 MONETARY TRANSMITTAL FORM

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

ECRT CODE: RETA

Please make \$200.00 payment here: <https://www.paybill.com/mass/abcc/retail/>

(PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

200.00

EPAY CONFIRMATION NUMBER

191003

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

43000079

LICENSEE NAME

Table & Vine, Inc.

ADDRESS

348 East Central St.

CITY/TOWN

Franklin

STATE

MA

ZIP CODE

02038

**TRANSACTION TYPE (Please check all relevant transactions):**

- Alteration of Licensed Premises
- Change Corporate Name
- Change of License Type
- Change of Location
- Change of Manager
- Other
- Cordials/Liqueurs Permit
- Issuance of Stock
- Management/Operating Agreement
- More than (3) §15
- New License
- New Officer/Director
- New Stockholder
- Pledge of Stock
- Pledge of License
- Seasonal to Annual
- Transfer of License
- Transfer of Stock
- Wine & Malt to All Alcohol
- 6-Day to 7-Day License

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

ALCOHOLIC BEVERAGES CONTROL COMMISSION  
 239 CAUSEWAY STREET  
 BOSTON, MA 02241-3396





The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**AMENDMENT APPLICATION FOR A CHANGE OF MANAGER**

Please complete this entire application, leaving no fields blank. If field does not apply to your situation, please write N/A.

<b>1. NAME OF LICENSEE</b> (Business Contact)	Table & Vine, Inc.		
ABCC License Number	43000079	City/Town of Licensee	Franklin

<b>2. APPLICATION CONTACT</b>			
The application contact is required and is the person who will be contacted with any questions regarding this application.			
First Name:	Michael	Middle:	S.
		Last Name:	Gold
Title:	Authorized Representative	Primary Phone:	413-504-4231
Email:	gold@bigy.com		

<b>3. BUSINESS CONTACT</b>			
Please complete this section <b>ONLY</b> if there are changes to the Licensee phone number, business address (corporate headquarters), or mailing address.			
Entity Name:			
Primary Phone:		Fax Number:	
Alternative Phone:		Email:	

<b>Business Address (Corporate Headquarters)</b>			
Street Number:		Street Name:	
City/Town:		State:	
Zip Code:		Country:	

<b>Mailing Address</b>			
<input type="checkbox"/> Check here if your Mailing Address is the same as your Business Address			
Street Number:		Street Name:	
City/Town:		State:	
Zip Code:		Country:	

## APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGES LICENSE

### 4. MANAGER CONTACT

The Manager Contact is required and is the individual who will have day-to-day, operational control over the liquor license.

Salutation  First Name  Middle Name  Last Name  Suffix

Social Security Number  Date of Birth

Primary Phone:  Email:

Mobile Phone:  Place of Employment

Alternative Phone:  Fax Number

### Citizenship / Residency / Background Information of Proposed Manager

Are you a U.S. Citizen?  Yes  No

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

If yes, attach an affidavit that lists your convictions with an explanation for each

Have you ever been Manager of Record of a license to sell alcoholic beverages?  Yes  No

If yes, please list the licenses for which you are the current or proposed manager:

Do you have direct, indirect, or financial interest in this license?  Yes  No

If yes, percentage of interest

If yes, please indicate type of Interest (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Officer              | <input type="checkbox"/> Sole Proprietor |
| <input type="checkbox"/> Stockholder          | <input type="checkbox"/> LLC Manager     |
| <input type="checkbox"/> LLC Member           | <input type="checkbox"/> Director        |
| <input type="checkbox"/> Partner              | <input type="checkbox"/> Landlord        |
| <input type="checkbox"/> Contractual          | <input type="checkbox"/> Revenue Sharing |
| <input type="checkbox"/> Management Agreement | <input type="checkbox"/> Other           |

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

### Employment Information of Proposed Manager

Please provide your employment history for the *past 10 years*

Date(s)	Position	Employer	Address	Phone
1989	Started as a bag boy and	Stop & Shop	1385 Hancock St. Quincy, MA 021689	
5/2017	worked up to store mgr.	"		
5/30/2017	Asst. Store Director	Big Y	2145 Roosevelt Ave. Spfld. MA 01104	413-784-0600
Present	Store Director	"		

### Prior Disciplinary Action of Proposed Manager

Have you ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following:

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

**ADDITIONAL SPACE**

The following space is for any additional information you wish to supply or to clarify an answer you supplied in the application.

If referencing the application, please be sure to include the number of the question to which you are referring.

Big Y Foods, Inc. is a Massachusetts S Corporation, and Table & Vine, Inc. is a subsidiary of Big Y Foods, Inc., and as such is wholly owned by Big Y Foods, Inc.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

**BENEFICIAL INTEREST CONTACT - Individual** (Formerly known as a Personal Information Form)

Please complete a Beneficial Interest - Individual sheet for all individual(s) who have a direct or indirect beneficial interest, with or without ownership, in this license. This includes people with a financial interest and people without financial interest (i.e. board of directors for not-for-profit clubs). All individuals with direct or indirect financial interest must also submit a CORI Authorization Form.

An individual with direct beneficial interest is defined as someone who has interest directly in the proposed licensee. For example, if ABC Inc is the proposed licensee, all individuals with interest in ABC Inc are considered to have direct beneficial interest in ABC Inc (the proposed licensee).

An individual with indirect beneficial interest is defined as someone who has ownership in a parent level company of the proposed licensee. For example, if ABC Inc is the proposed licensee and is 100% owned by XYZ Inc, all individuals with interest in XYZ Inc are considered to have an indirect beneficial interest in ABC Inc (the proposed licensee).

Salutation  First Name  Middle Name  Last Name  Suffix

Title:  Social Security Number  Date of Birth

Primary Phone:  Email:

Mobile Phone:  Fax Number

Alternative Phone:

**Business Address**

Street Number:  Street Name:

City/Town:  State:

Zip Code:  Country:

**Mailing Address**

Check here if your Mailing Address is the same as your Business Address

Street Number:  Street Name:

City/Town:  State:

Zip Code:  Country:

**Types of Interest (select all that apply)**

- Contractual       Director       Landlord       LLC Manager
  - LLC Member       Management Agreement       Officer
  - Partner       Revenue Sharing       Sole Proprietor       Stockholder       Other
- NONE

**Citizenship / Residency Information**

Are you a U.S. Citizen?       Yes     No      Are you a Massachusetts Resident?       Yes     No

**Criminal History**

Have you ever been convicted of a state, federal, or military crime?       Yes     No      If yes, please provide an affidavit explaining the charges.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

**BENEFICIAL INTEREST CONTACT - Individual (continued)**

**Ownership / Interest**

Using the definition above, do you hold a direct  Direct  Indirect or indirect interest in the proposed licensee?

If you hold a direct beneficial interest in the proposed licensee, please list the % of interest you hold.

0
---

*NONE*

If you hold an indirect beneficial interest in this license, please complete the Ownership / Interest Table below.

**Ownership / Interest**

If you hold an indirect interest in the proposed licensee, please list the organization(s) you hold a direct interest in which, in turn, hold a direct or indirect interest in the proposed licensee. These generally include parent companies, holding companies, trusts, etc. A Beneficial Interest - Organization Form will need to be completed for each entity listed below.

Name of Beneficial Interest - Organization	FEIN

**Other Beneficial Interest**

List any indirect or indirect beneficial or financial interest you have in any other Massachusetts Alcoholic Beverages License(s).

Name of License	Type of License	License Number	Premises Address

**Familial Beneficial Interest**

Does any member of your immediate family have ownership interest in any other Massachusetts Alcoholic Beverages Licenses? Immediate family includes parents, siblings, spouse and spouse's parents. Please list below.

Relationship to You	ABCC License Number	Type of Interest (choose primary function)	Percentage of Interest

**Prior Disciplinary Action**

Have you ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following:

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

**APPLICANT'S STATEMENT**

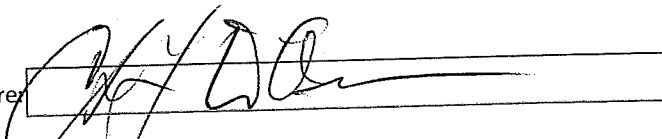
I, Charles L. D'Amour the:  sole proprietor;  partner;  corporate principal;  LLC/LLP member  
Authorized Signatory

of Table & Vine, Inc., hereby submit this application for Change of Manager  
Name of the Entity/Corporation Transaction(s) you are applying for

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

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

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises does not violate any requirement of the ABCC or other state law or local ordinances;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the Application information as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of, the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

Signature:   
Title: COO

Date: 6-21-18

Written Consent Vote of the Board of Directors  
of  
Table & Vine, Inc.


The undersigned, being all of the Directors of Table & Vine, Inc. acting without a meeting pursuant to Section 8.21 of Chapter 156D of the Mass. General Laws, hereby take the following action and adopt the following votes as of the date first set forth above:

RESOLVED: To appoint Nathan Draper of Ashland, Massachusetts as its manager or principal representative in the Franklin, MA location, with as full authority and control of the premises described in the license of the Corporation and of the conduct of all business therein relative to alcoholic beverages as the licensee itself could in any way have and exercise if it were a natural person resident in the Commonwealth of Massachusetts and that a copy of this vote duly certified by the Secretary of the Corporation and delivered to said manager or principal representative shall constitute the written authority required by Sec. 26, Chap. 138, G.L.

DATED: 6-21-18

  
Charles L. D'Amour, Director

  
Claire M. D'Amour-Daley, Director

  
Michael P. D'Amour, Director

Written statement of Nathan Draper, proposed manager of record

For

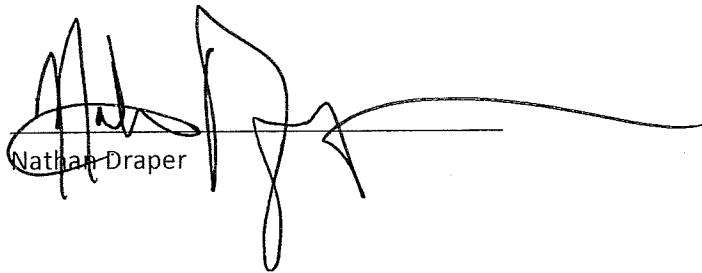
Table & Vine, Inc. Franklin, MA location

As an employee, and the manager in charge, in a location where Big Y Foods, Inc. ("Big Y") sells alcohol through their Table & Vine, Inc. subsidiary I am required to take training on preventing alcohol sales to minors. In addition to computer based training I attended a class on June 5, 2018 and passed the Beverage Alcohol Training Program administered by the Massachusetts Package Store Association. Big Y recognizes that selling alcohol is more regulated than selling groceries, and takes their obligation to comply with the alcohol laws very seriously. As such they have implemented in-house Computer Based Training: Alcohol Sales to Minors. This is a required training for all wine/beer/spirit employees, all front end employees as well as employees in any department that has a satellite register, such as Bakery Floral, Seafood and Food Service. Additional TIPS Certification training is also required of our key employees. Big Y offers On the Job Training specific to Table & Vine, Inc. licensed locations; this includes various business related policies/procedures such as case purchases/log book (8 cases and up), etc.

Big Y also has a Point of Sale System which requires that a cashier enters a valid date of birth prior to any alcohol sale being processed.

As the manager in charge I also am required to take and maintain my certification in all the policies and certifications that are required related to sales of alcohol. My work experience also includes the training and supervision of employees selling other age sensitive items such as tobacco products.

Big Y/Table & Vine has a great track record in the Massachusetts supermarkets where they sell alcohol. It is my intent to continue this record with diligence, education and the continuous training for myself and my employees.

  
Nathan Draper



# Nate Draper

7 Old Central Tpke  
Ashland, MA 01721  
774-245-1654  
nate.draper@yahoo.com

## **Experience**     **Store Manager** 2017- Present     Big Y Foods, Inc.

Provide strong, positive, and pro-active leadership for my team, with daily focus on Operations, Sales and Procurement. Responsible for Hiring, Training and Development, managing Labor Relations, providing direction, feedback, and accountability for all associates. Obtaining necessary documentation and certifications, maintaining documentation for Compliance with Government and Company Policies, including Sanitation, Safety, Personnel, Product Origin, and Anti-Money Laundering Compliance. Strategic Business Planning, including creating and implementing plans of action for opportunity areas in sales and profit.

## **Store Manager** 2004- 2017     Stop and Shop Supermarket Co.

While Acting as Store Manager additionally served as District Lead for:

- 2004-2005 Seafood – Sales, Merchandising and Shrink for Seafood
- 2006-2007 Perishable Shrink – Reduction of Shrink in 6 Perishable Departments
- 2006- Present Data Mining Coordinator for Sales, Item and Shrink Reporting
- 2007-2008 Non Perishable Shrink – Reduction of Shrink in 5 Non Perishable Departments
- 2009-Present P&L Analysis, Action Planning, and Exception Review
- 2009-Present Sales and Payroll Budget Coordinator – Provide Monthly Sales and Payroll Budgets

## **Bakeshop Specialist** 2003-2004     Stop and Shop Supermarket Co.

- Oversee Bakeshop Sales and Merchandising for 12 store locations. Build teams, promote sales, focus on people development and Part Time to Full Time Promotions. Travel between multiple stores daily providing direction and feedback about all areas within the Bakeshop Department.

## **Assistant Store Manager** 1996-2003     Stop and Shop Supermarket Co.

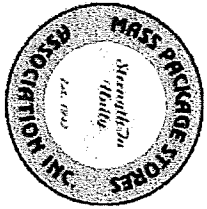
- Manage the evening activities of the total store operation of 10 departments and up to 200 people. Responsibilities included any customer service or quality issues, hiring, people development, general store maintenance including emergency situations. Ensuring proper presentation, merchandising, and item availability for the busier half of the day. In charge of operations during the absence of the store manager.

## **General Merchandise Manager** 1992-1996     Stop And Shop Supermarket Co.

- Oversaw the total operation of the General Merchandise department. Insured proper product mix while controlling Inventory levels of the selling area as well as the storage area. Responsible for the financial success of the department measured both by sales and by profit. People development, and productivity.

## **Education**     1988-1992     Algonquin Regional High School Northborough, MA

## **Certification and Skills**     ServeSafe Certified. Strong Skills in Microsoft Word, Excel, Outlook, Internet, and PowerPoint. Various Ordering, Inventory, Receiving, and Point of Sale Systems. Trained and Licensed for Microstrategy and ShrinkTrax.



# BEVERAGE ALCOHOL TRAINING

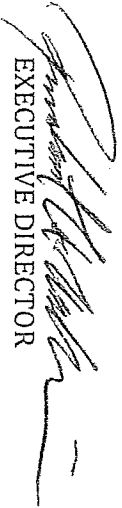
THIS CERTIFICATE CERTIFIES THAT

Nathan Draper

has successfully completed the required course of study and examination administered by the Massachusetts Package Stores Association, Inc., and is therefore awarded this

## CERTIFICATE OF ACKNOWLEDGEMENT

Valid from: 6/16/2018 To: 6/15/2021

  
EXECUTIVE DIRECTOR



  
BAT TRAINER




# TOWN OF FRANKLIN PUBLIC FACILITIES

Wednesday August 8, 2018



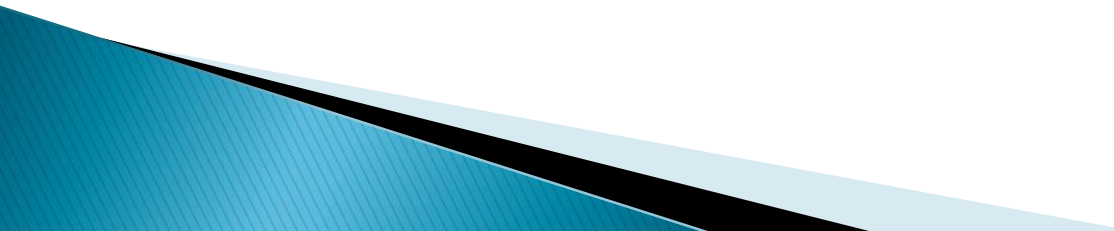
# MISSION STATEMENT

- ▶ The mission of the Department of Public Facilities is to manage the efficient operation and maintenance of Town buildings, preserve the facility and equipment assets of the Town, plan and implement capital improvements, and manage capital construction projects. The mission will be accomplished through establishing appropriate services in support of building users, fostering continuous improvement in the delivery of services, and establishing ongoing capital planning in collaboration with all department heads, the Town Administrator and the Superintendent of Schools.
- 

# MUNICIPAL FACILITIES

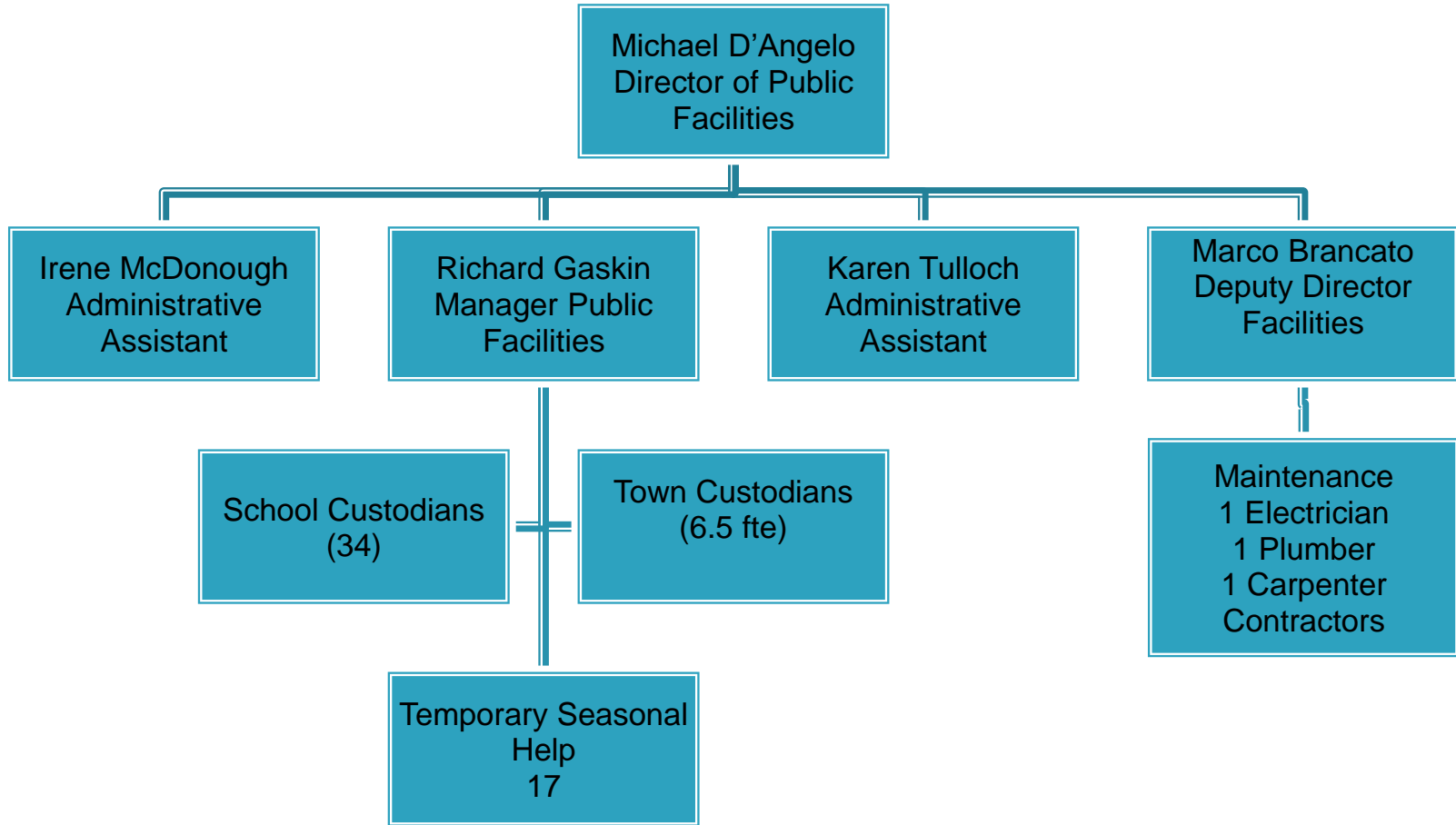
- ▶ Municipal Building
- ▶ Recreation Buildings
- ▶ Historic Museum
- ▶ Fire Headquarters
- ▶ Fire Substation
- ▶ Police Station
- ▶ Public Library
- ▶ Senior Center
- ▶ DPW Administration
- ▶ DPW Garage
- ▶ DPW Cold Storage
- ▶ Old Museum
- ▶ Dog Pound
- ▶ Brick School
- ▶ Facilities Building
- ▶ Field Bathrooms @  
Beaver Pond, Pisani,  
Fletcher, King St and  
Meadowlark

# SCHOOL FACILITIES


- ▶ Davis Thayer Elementary
  - ▶ Kennedy Elementary
  - ▶ Parmenter Elementary
  - ▶ Remington Middle / Jefferson Elementary
  - ▶ Keller Elementary / Sullivan Middle
  - ▶ Horace Mann Middle / Oak St Elementary / Early Childhood Development Center
  - ▶ Franklin High School
- 

# PUBLIC FACILITIES ORGANIZATIONAL CHART

Under Direction of the Town Administrator and Superintendent of Schools



# CUSTODIAL SUPPORT

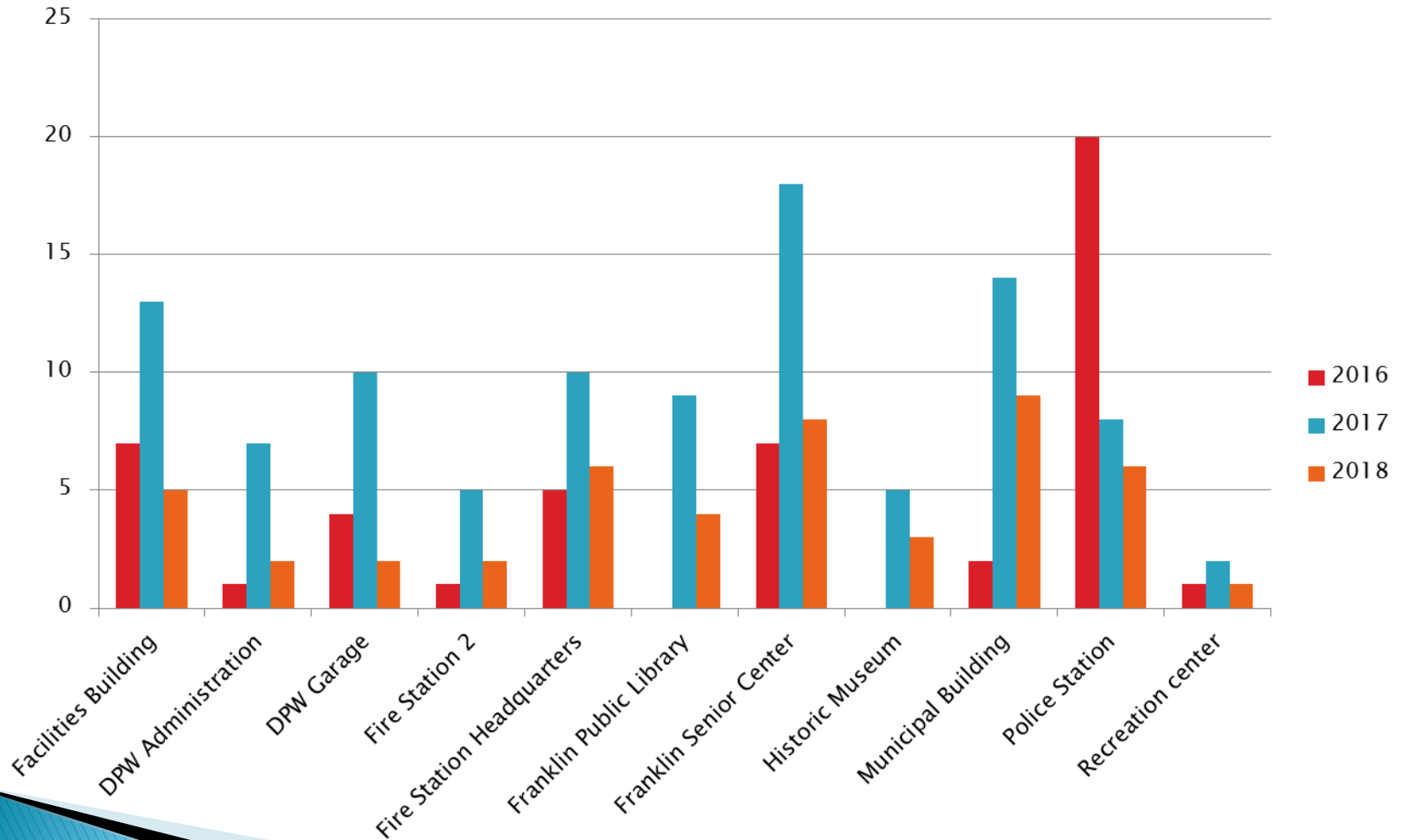
- ▶ Continue to maintain high standards while cleaning oversized areas
  - ▶ Support non-detail after hours use for numerous school activities and events
  - ▶ Provide excellent customer service to all groups using school and town buildings
  - ▶ Continue with summer painting projects at school buildings whenever possible
  - ▶ Provide ongoing support keeping school buildings secure at all times
- 



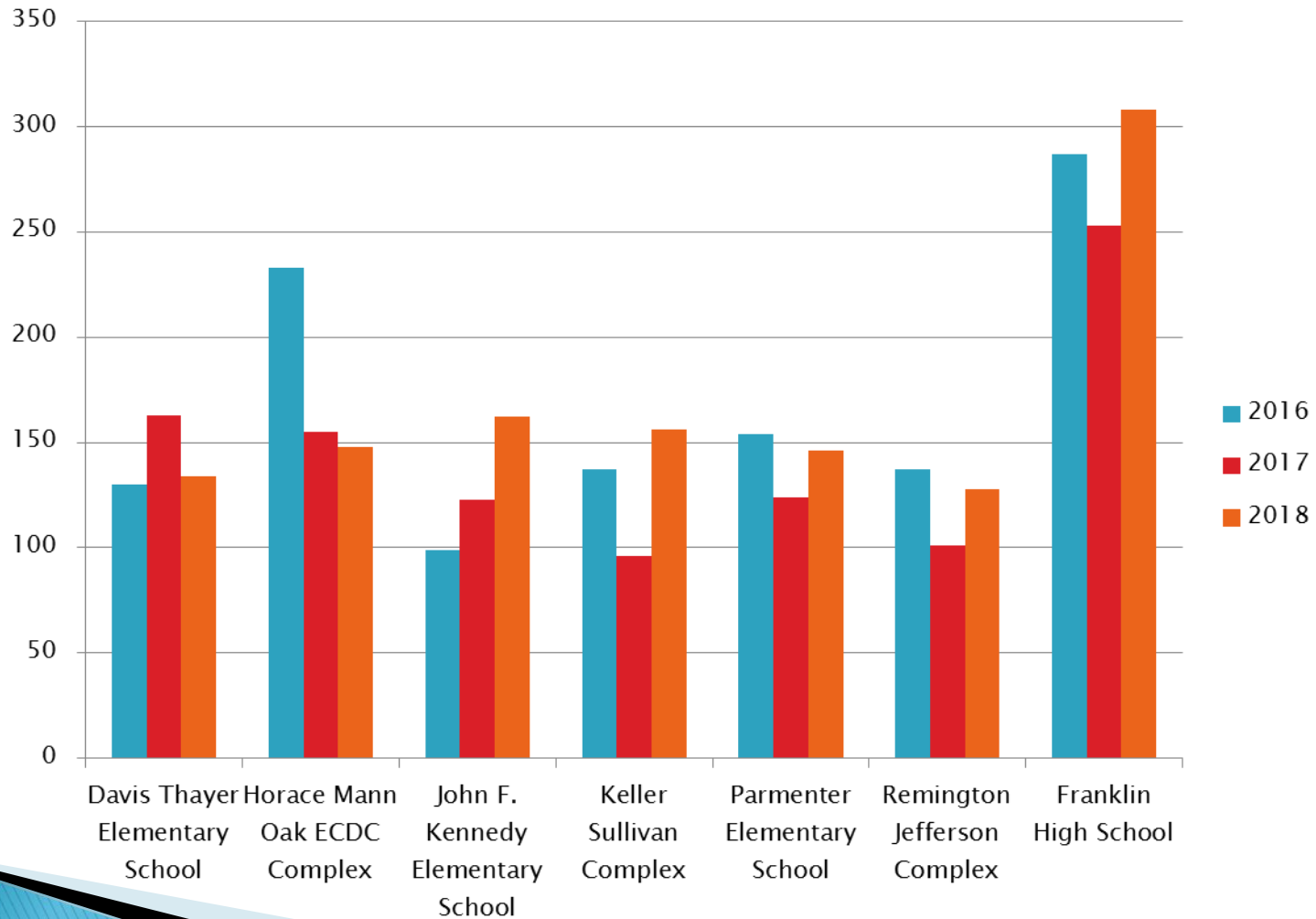
# MAINTENANCE

- ▶ Municipal buildings work orders completed
  - FY2016                    101
  - FY2017                    48
  - FY2018                    48
  
- ▶ School buildings work orders completed
  - FY2016                    1177
  - FY2017                    1015
  - FY2018                    1182

# MUNICIPAL BUILDINGS COMPLETED WORK ORDERS BY BUILDING FY2016-FY2018

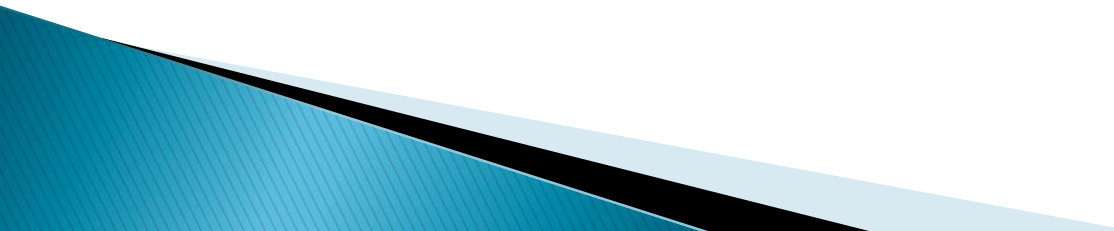


# SCHOOL BUILDINGS COMPLETED WORK ORDERS BY BUILDING FY2016- FY2018




# PREVENTATIVE MAINTENANCE

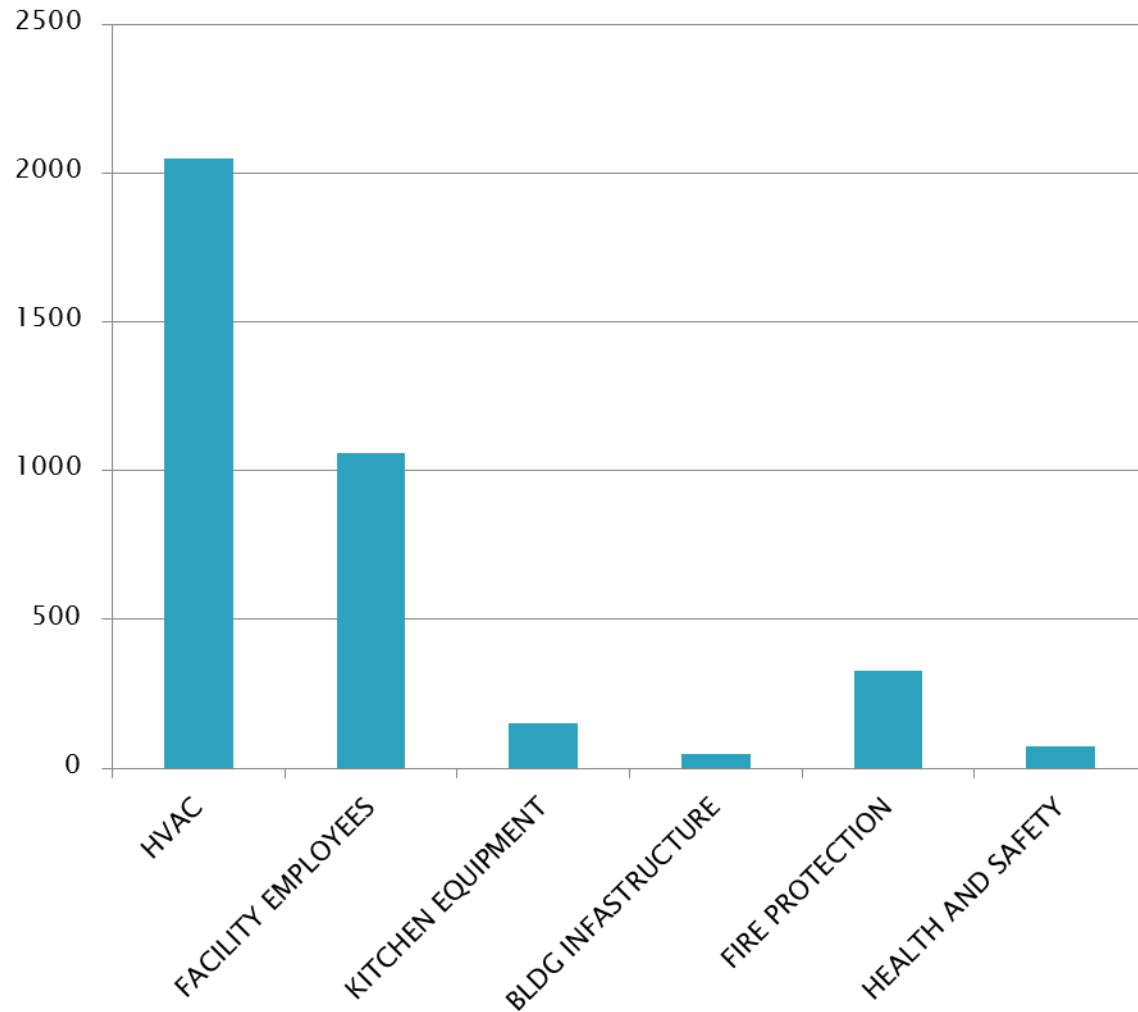
Preventative maintenance is a schedule of planned maintenance actions aimed at the prevention of breakdowns and failures. The primary goal of preventative maintenance is to prevent the failure of equipment before it actually occurs. It is designed to preserve and enhance equipment reliability by replacing worn components before they actually fail.




# ADVANTAGES OF PREVENTATIVE MAINTENANCE

- Reduced equipment downtime, resulting in fewer breakdowns
  - Better conservation of assets and increased life expectancy of Town assets
  - Timely, routine repairs circumvent fewer large-scale repairs
  - If failure can not be prevented periodic inspections can help reduce its severity
  - Identification of equipment with excessive maintenance costs
  - The cost of planned maintenance is always cheaper than emergency maintenance
  - Improved safety and quality conditions
- 

# PREVENTATIVE MAINTENANCE WORK ORDERS 2018 (FIRST YEAR OF IMPLEMENTATION)



# ENERGY EFFICIENCY

- ▶ Aggressive energy purchasing policy
  - ▶ Power purchase agreement from Abbey solar farm 8 mega watts
  - ▶ LED phase 2 Horace Mann complex, Keller Sullivan complex, Remington Jefferson complex complete
  - ▶ LED interior phase 1 Franklin High School complete
  - ▶ LED interior Kennedy, Parmenter, Davis Thayer complete
  - ▶ LED interior all town buildings complete
- 

# THANK YOU

We would like to offer our sincere thanks and appreciation to all the Public Facilities staff for all the work they do every day caring for the Franklin school and town buildings.



# THANK YOU

We would like to thank the Franklin Town Council for all your support and funding of projects. Without you we would not have the beautiful facilities to serve our residents!


# OFFICE OF THE TOWN ADMINISTRATOR

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## MEMORANDUM

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**DATE:** August 1, 2018  
**TO:** Town Council  
**FROM:** Jeffrey D. Nutting, Town Administrator   
**RE:** Background for Open Space Discussion

---

I have long been an advocate of open space for active or passive use. We continue to reach out to various property owners to see if they are interested in selling/donating their land to the Town. We have a good track record over the last 15 years of adding parcels to our open space inventory.

### Background

- The Town Council has been supportive of acquiring land over the years.
- Every parcel of land is now available on our GIS system and updated via the assessing office and GIS administrator.
- The CPA failed twice and at this point there is little financial incentive to adopt it.
- The Tax Collector held a sale of land of low value and land foreclosures and we have sold some small pieces or assigned property to various town departments.
- The staff meets every year to review land that has been foreclosed and makes recommendation to the Council where it should be assigned (Conservation, Recreation, Municipal use, etc.)
- Our open space account has a balance of \$1,104,000. **We should increase that account in preparation for future purchases of open space.**

### Committees/interested parties

- Administration
- Agricultural Commission
- Conservation Commission
- Metacomet Land Trust
- Recreation Advisory Committee
- SNETT Rail Trail Committee

### Documents/Other Information

- Master Plan - 2013
- Open Space and Recreation Plan - 2016
- Evaluation of Chapter 61 Land - 2017
- Conservation Commission Managed Properties Study - 2018

- Draft Map of future Bike Lanes
- Map of parcels over 5 acres
- Other maps as may be needed

**History of purchasing, accepting or by tax taking Open Space - 2002 until today**

- 105 acres Del Carte property- Donated.
- 1.5 acres - Bought House at Delcarte for Playground and parking,
- 21.4 acres Accepted donation of land on Lincoln Street – Next to School
- 12.2 acres – Purchased off Cooper Drive
- 24 acres off Grove Street – Purchased
- 36.3 acres off Daniels Street
- 19.3 acres off Lincoln Street- Purchased
- 7.5 acres off of Juniper Road
- 4.3 acres off of Jordan Road
- 4.8 acres off Russet Hill
- 12 acres on Washington Street - Purchased
- Numerous other tax takings or open space developments (See Map)

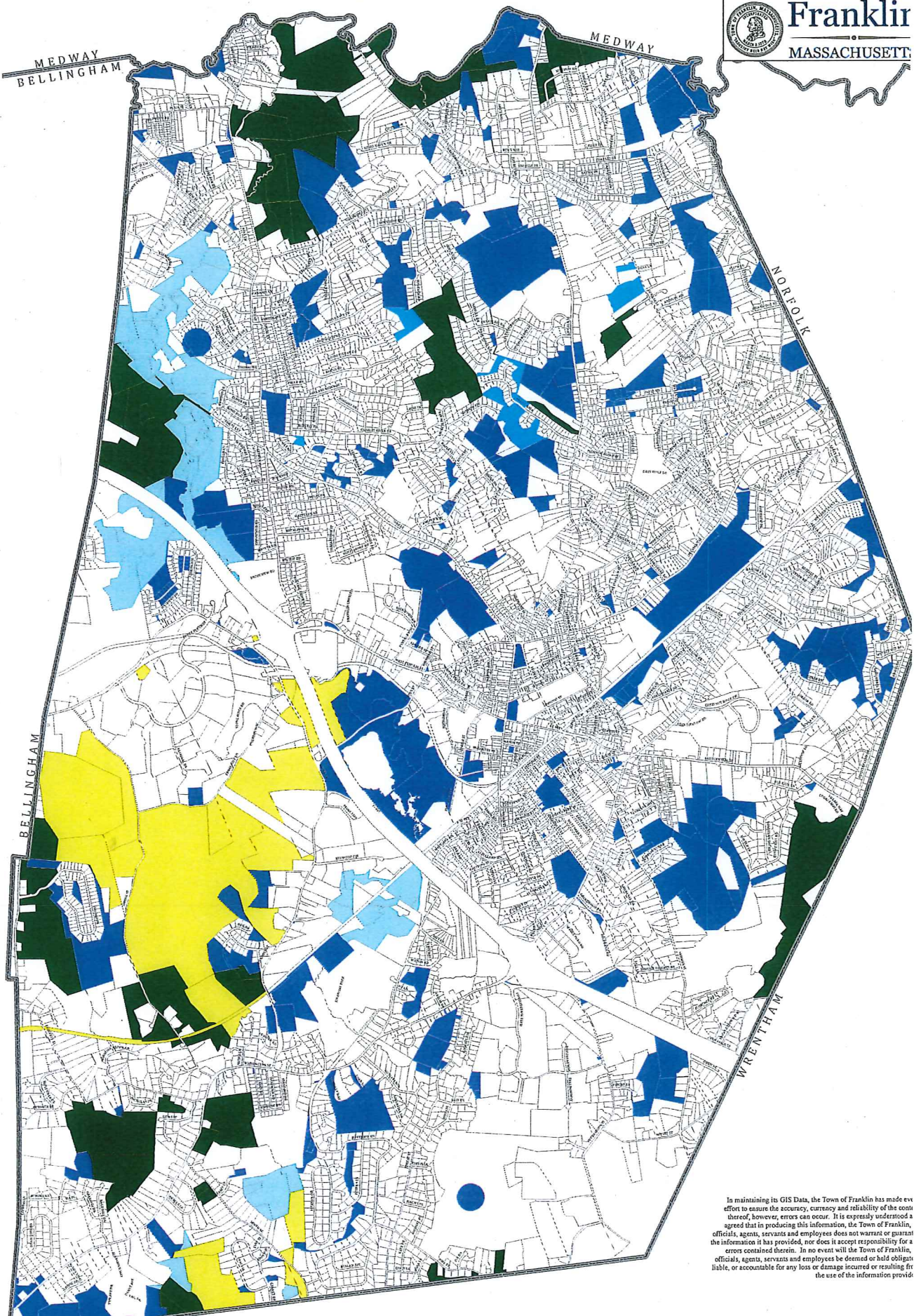
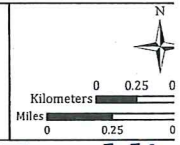
In summary – We have property information on our GIS system, active staff participation, committee involvement in various areas and a good track record of acquiring land for open space along with a funding source when the right opportunity comes along to expand our open space or recreation.

I am happy to answer any question you may have



# OPEN SPACE LANDS OF CONSERVATION & RECREATIONAL INTEREST

- Chapter 61, 61A & 61B Lands - Private
  - Federally Owned - Public
  - Metacomet Land Trust- Public Recreation
  - State Owned - Public Recreation
  - Town Owned
- Parcel Line



In maintaining its GIS Data, the Town of Franklin has made every effort to ensure the accuracy, currency and reliability of the data thereof, however, errors can occur. It is expressly understood and agreed that in producing this information, the Town of Franklin, officials, agents, servants and employees does not warrant or guarantee the information it has provided, nor does it accept responsibility for errors contained therein. In no event will the Town of Franklin, 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.





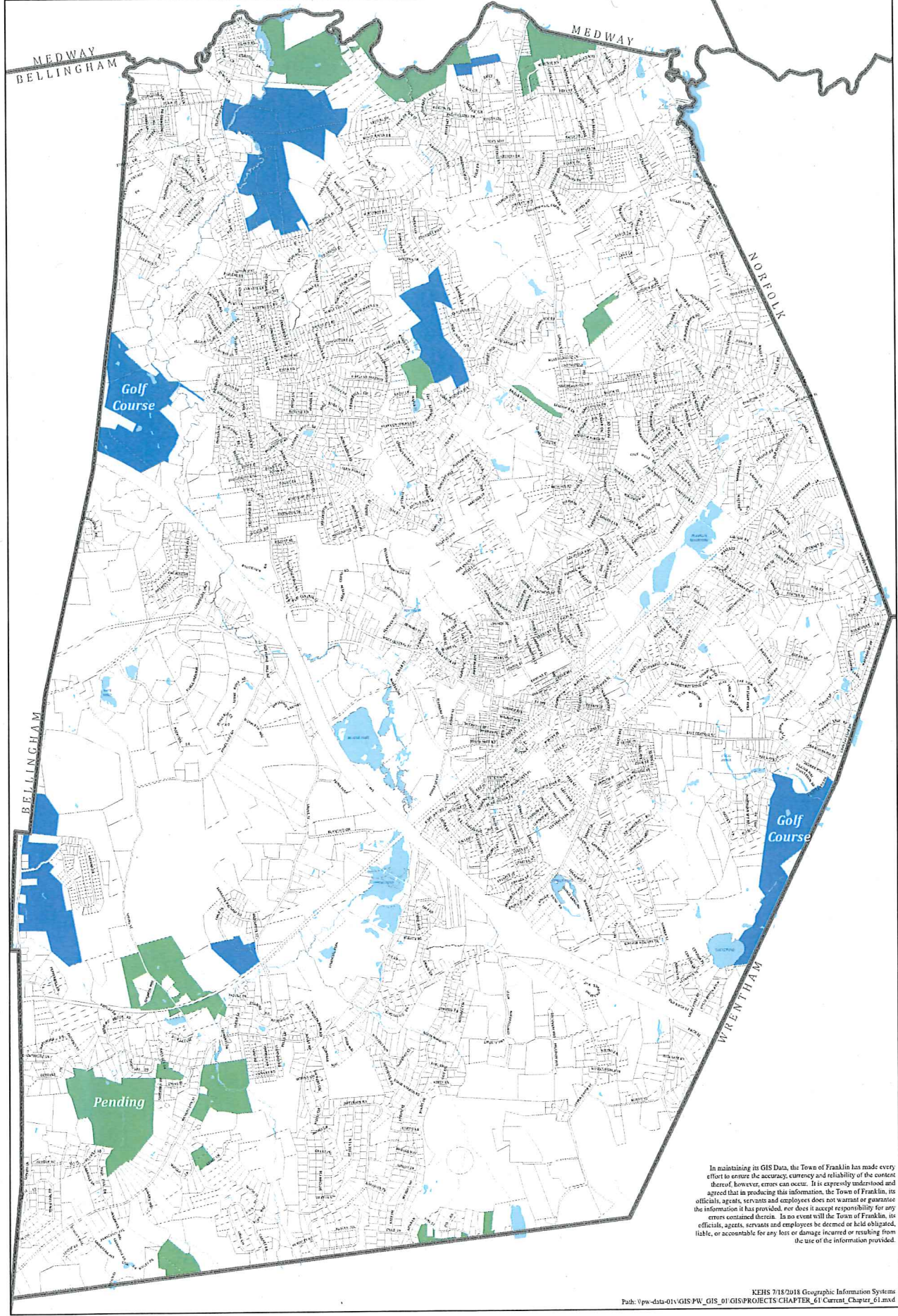
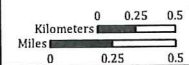
# Franklin

MASSACHUSETTS

## Chapter 61 Parcel

- 61A
- 61B
- Parcel Line

- Water
- Municipal Boundary



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.

# OFFICE OF THE TOWN ADMINISTRATOR

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## MEMORANDUM

---

**DATE:** May 4, 2018  
**TO:** Town Council  
**FROM:** Jeffrey D. Nutting, Town Administrator  
**RE:** Background on Opioid Law Suit

---

Jamie and I attended a session on the potential lawsuit against large drug distributors. They are attempting to recover cost on a wide range of expenses, including costs to municipalities for responding to the opioid crisis. They are not pursuing anyone affiliated with the Medical profession that prescribed opioids, nor are they pursuing costs of affected individuals or families.

You will note at the bottom of the attached the lawyers are pursuing many avenues to collect money and last on the list are funds for cities and towns. We struggled to determine even a ballpark cost to the town. Anyone transported in an ambulance would be billed for the service and Representative Roy has been successful in obtaining two \$50,000 grants for the SAFE coalition to provide a wide variety of services to help Franklin citizens struggling with addiction.

The lawyers would receive thirty percent of any settlement plus expenses. Given there are six areas where they are trying to collect money and only one really relates to the Town of Franklin. If the law suit was ultimately settled I do not expect we would receive much money.

In listening to many communities some our pursuing the matter to “send a message”, others are not because “we have not brought suit against folks struggling with other health issues” and some have not made any decision.

There is no cost to be part of the suit and currently no time line when it would be filed or information on how we may determine if we had any expenses beyond normal operating costs.

Accordingly it’s up to the council to decide if there is any merit in joining the litigation.

We are happy to answer any questions.



TOWN OF FRANKLIN

RESOLUTION 18-45

PARTICIPATION IN OPIOID LITIGATION AND ENGAGEMENT OF LEGAL COUNSEL FOR THAT PURPOSE

WHEREAS, The Town of Franklin has incurred and will likely continue to incur expense to provide emergency medical services and other public services to the victims of opioid abuse and their families, as a result of the so-called opioid crisis, and

WHEREAS, litigation has been and is being brought on behalf of municipalities against those parties identified as being responsible for creating and/or exacerbating said crisis to recover the municipalities' resulting expenses,

NOW THEREFORE, be it voted by Franklin Town Council that:

- 1. The Town of Franklin participate in litigation against those parties identified as being responsible for creating and/or exacerbating the opioid crisis to recover Town's resulting expenses in providing public services.
- 2. The Town of Franklin retain the law firm Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, PA to provide legal representation to Town in said litigation and authorize the Town Administrator to execute the law firm's engagement agreement, a copy of which is attached hereto as "Exhibit A" and to take any other action he deems necessary or appropriate to protect Town's interests in said litigation.

This Resolution shall become effective according to the Provisions of the Franklin Home Rule Charter.

DATED: \_\_\_\_\_, 2018

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

A True Record Attest:

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

ABSTAIN \_\_\_\_\_

Teresa M. Burr  
Town Clerk

ABSENT \_\_\_\_\_

\_\_\_\_\_  
Glenn Jones, Clerk  
Franklin Town Council

## **ENGAGEMENT TO REPRESENT**

RE: Town of Franklin, Massachusetts civil suit against those legally responsible for the wrongful distribution of prescription opiates and damages caused thereby.

**TOWN of FRANKLIN, Massachusetts** (hereinafter "CLIENT"), by and through its Town Administrator, hereby retains the law firm LEVIN, PAPANTONIO, THOMAS, MITCHELL, RAFFERTY & PROCTOR, PA ("Firm") on a contingent fee basis, to pursue all civil remedies against those in the chain of distribution of prescription opiates responsible for the opioid epidemic which is plaguing the **TOWN** including, but not limited to, filing a claim for public nuisance to abate, enjoin, recover and prevent the damages caused thereby.

**Peter J. Mougey** of the Firm shall serve as LEAD COUNSEL. CLIENT authorizes lead counsel to employ and/or associate additional counsel, with consent of CLIENT, to assist LEAD COUNSEL in the just prosecution of the case. CLIENT consents to the participation of the following firms (collectively referred to, herein, as "Attorneys"), if no conflicts exist, including but not limited to conflicts pursuant to the Massachusetts Ethics laws and the Massachusetts Rules of Professional Conduct:

LEVIN, PAPANTONIO, THOMAS, MITCHELL, RAFFERTY & PROCTOR, PA  
316 South Baylen Street  
Pensacola, Florida

SWEENEY MERRIGAN LAW, LLP  
268 Summer Street, LL  
Boston, Massachusetts

RODMAN, RODMAN & SANDMAN, P.C.  
442 Main Street, Suite 300  
Malden, Massachusetts

GREENE, KETCHUM, FARRELL, BAILEY & TWEEL, LLP  
419 11th Street  
Huntington, West Virginia

BARON & BUDD, PC  
3102 Oak Lawn Avenue #1100  
Dallas, Texas

HILL PETERSON CARPER BEE & DEITZLER PLLC  
500 Tracy Way  
Charleston, West Virginia



POWELL & MAJESTRO, PLLC  
405 Capitol Street, P-1200  
Charleston, West Virginia

MCHUGH FULLER LAW GROUP  
97 Elias Whiddon Road  
Hattiesburg, Mississippi

KP LAW, P.C.  
101 Arch Street, 12<sup>th</sup>  
Floor  
Boston, Massachusetts

CLIENT is retaining the Firm and Attorneys collectively and not as individuals, and attorney services to be provided to CLIENT hereunder will not necessarily be performed by any particular attorney.

In consideration, CLIENT agrees to pay twenty-five percent (25%) of the total recovery (gross) in favor of CLIENT as an attorney fee whether the claim is resolved by compromise, settlement, or trial and verdict (and appeal). The gross recovery shall be calculated on the amount obtained before the deduction of costs and expenses. CLIENT grants the Firm an interest in a fee based on the gross recovery. If a court awards attorneys' fees, the Firm shall receive the "greater of" the gross recovery-based contingent fee or the attorneys' fees awarded. **CLIENT shall not pay to the Firm and Attorneys a fee of any kind or nature if there is no recovery.**

The Firm and the Attorneys shall advance all necessary litigation expenses necessary to prosecute these claims. All such litigation expenses, including the reasonable internal costs of electronically stored information (ESI) and electronic discovery generally or the direct costs incurred from any outside contractor for those services, will be deducted from any recovery after the contingent fee is calculated and shall be paid to the Firm and Attorneys. **CLIENT shall not be required to reimburse the Firm and Attorneys for litigation expenses of any kind or nature if there is no recovery. If there is a recovery, the expenses charged shall be capped at 10% of the recovery, such that fees and expenses combined will not exceed 35% of the gross recovery to the Town.**

CLIENT acknowledges this fee is reasonable given the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly, the likelihood this retention will preclude other retention by the Firm, the fee customarily charged in the locality for similar legal services, the anticipated (contingent) litigation expenses and the anticipated results obtained, the experience, reputation, and ability of the lawyer or lawyers performing the services and the fact that the fee is contingent upon a successful recovery.

Attorneys shall have the right to represent other municipalities, governmental agencies or governmental subdivisions in other opioid related actions or similar litigation, subject to the requirements of the Massachusetts Rules of Professional Conduct relating to conflicts of interest, and CLIENT consents to such multiple representation. CLIENT has determined that it is in its own best interests to waive any and all potential or actual conflicts of interest which may occur as the result of Attorneys' current and continuing representation of other entities in similar litigation.

This litigation is intended to address a significant problem in the TOWN. The litigation focuses on the wholesale distributors and manufacturers of opioids and their role in the diversion of millions of prescription opiates into the illicit market which has resulted in opioid addiction, abuse, morbidity and mortality. There is no easy solution and no precedent for such an action against this sector of the industry. Many of the facts of the case are locked behind closed doors. The billion-dollar industry denies liability. The litigation will be very expensive and the litigation expenses will be advanced by the Firm with reimbursement contingent upon a successful recovery. The outcome is uncertain, as is all civil litigation, with compensation contingent upon a successful recovery.

The Firm intends to present a damage model designed to abate the public health and safety crisis. This damage model may take the form of money damages and/or equitable remedies (e.g., an abatement fund). The purpose of the lawsuit is to seek reimbursement of the costs incurred in the past fighting the opioid epidemic and/or recover the funds necessary to abate the health and safety crisis caused by the unlawful conduct of the wholesale distributors and manufacturers of opioids. CLIENT agrees to compensate the Firm, wholly contingent upon prevailing, by paying 25% of any settlement/resolution/judgment, in favor of CLIENT, whether it takes the form of monetary damages or equitable relief. For instance, if the remedy is in the form of monetary damages, CLIENT agrees to pay 25% of the gross amount to Firm as compensation and then reimburse the reasonable litigation expenses. If the remedy is in the form of equitable relief (e.g., abatement fund), CLIENT agrees to pay 25% of the gross value of the equitable relief to the Firm as compensation and then reimburse the reasonable litigation expenses, subject to appropriation of funds therefore and the applicable provisions of Massachusetts law. To the extent that the remedy includes both monetary damages and equitable relief, 25% of the monetary value of the equitable relief together with 25% of the monetary damages will be deducted from the total monetary damages as compensation for the Firm. If such compensation exceeds the total amount of the monetary damages awarded, payment of the additional compensation amount shall be subject to appropriation of funds therefor. To be clear, however, the Firm shall not be paid nor receive reimbursement from public funds unless required by law. However, any judgment arising from successful prosecution of the case, or any consideration arising from a settlement of the matter, whether monetary or equitable, shall not be considered public funds for purposes of calculating the contingent fee unless required by law. Under no circumstances shall CLIENT be obligated to pay any attorneys' fee or any litigation expenses except from moneys expended by defendant(s) pursuant to the resolution of CLIENT's claims. If the defendant(s) expend their own resources to abate the public health and safety crisis in exchange for a release of liability, then the Firm will be paid the designated contingent fee from the resources expended by the defendant(s). CLIENT acknowledges this is a necessary condition required by the Firm to dedicate their time and invest their resources on a contingent basis to this enormous project. If the defendant(s) negotiate a release of liability, then the Firm should be compensated based upon the consideration offered to induce the dismissal of the lawsuit.

The division of fees, expenses and labor between the Attorneys will be decided by private agreement between the law firms and subject to approval by CLIENT. Any division of fees will be governed by the Massachusetts Rules of Professional Conduct including: (1) the division of fees is in proportion to the services performed by each lawyer or each lawyer assumes joint responsibility for the representation and agrees to be available for consultation with CLIENT; (2) CLIENT has given *written* consent after full disclosure of the identity of each lawyer, that the fees will be divided, and that the division of fees will be in proportion to the services to be performed by each lawyer or that each lawyer will assume joint responsibility for the representation; (3)

except where court approval of the fee division is obtained, the *written* closing statement in a case involving a contingent fee shall be signed by CLIENT and each lawyer and shall comply with the terms of the Massachusetts Rules of Professional Conduct; and (4) the total fee is not clearly excessive.

The Firm and Attorneys will perform the legal services called for under this Agreement, keep CLIENT informed of progress and developments, and respond promptly to CLIENT's inquiries and communications. CLIENT will be truthful and cooperative with the Firm and Attorneys, disclose to the Firm and Attorneys all facts relevant to the claim, keep the Firm and Attorneys reasonably informed of developments, and be reasonably available to attend any necessary meetings, depositions, preparation sessions, hearings, and trial as reasonably necessary.

LEAD COUNSEL shall appoint a contact person to keep CLIENT reasonably informed about the status of the matter in a manner deemed appropriate by CLIENT. CLIENT at all times shall retain the authority to decide the disposition of the case and personally oversee and maintain absolute control of the litigation, including but not limited to whether to settle the litigation and on what terms.

CLIENT may discharge the Firm and Attorneys at any time by written notice effective when received by LEAD COUNSEL. Unless specifically agreed by the Firm and CLIENT, the Firm and Attorneys will provide no further services and advance no further costs on CLIENT's behalf with respect to the litigation after receipt of the notice. If the Firm is CLIENT's attorney of record in any proceeding, CLIENT will execute and return a substitution-of-attorney form immediately on its receipt from the Firm.

Upon conclusion of this matter, LEAD COUNSEL shall provide CLIENT with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination. The closing statement shall specify the manner in which the compensation was determined under the agreement, any costs and expenses deducted by the lawyer from the judgment or settlement involved, and, if applicable, the actual division of the lawyers' fees with a lawyer not in the same firm. The closing statement shall be signed by the CLIENT and each attorney among whom the fee is being divided.

At the conclusion or termination of services under this Agreement, the Firm and Attorneys will release promptly to CLIENT all of CLIENT's papers and property. "CLIENT's paper and property" includes correspondence, deposition transcripts, exhibits, experts' reports, legal documents, physical evidence, and other items reasonably necessary to CLIENT's representation, whether CLIENT has paid for them or not.

Nothing in this Agreement and nothing in the Firm and Attorneys' statement to CLIENT may be construed as a promise or guarantee about the outcome of this matter. The Firm and Attorneys make no such promises or guarantees. The Firm and Attorneys' comments about the outcome of this matter are expressions of opinion only and the Firm and Attorneys make no guarantee as to the outcome of any litigation, settlement or trial proceedings.

The relationship to CLIENT of the Firm and Attorneys, and any associate counsel or paralegal provided through them, in the performance of services hereunder is that of independent contractor and not that of employee of CLIENT, and no other wording of this Agreement shall stand in derogation of this paragraph. The fees and costs paid to the Firm and Attorneys hereunder shall be deemed revenues of their law office practice and not as a remuneration for

individual employment apart from the business of that law office.

This Agreement contains the entire agreement of the parties. No other agreement, statement, or promise made on or before the effective date of this Agreement will be binding on the parties. This Agreement may be modified by subsequent agreement of the parties only by an instrument in writing signed by both of them or an oral agreement to the extent that the parties carry it out.

If any provision of this Agreement is held in whole or in part to be unenforceable, void, or voidable for any reason, the remainder of that provision and of the entire Agreement will be severable and remain in effect.

This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and the parties hereto submit to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

SIGNED, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**Town of Franklin, Massachusetts**

\_\_\_\_\_  
Jeffrey D. Nutting  
Town Administrator  
as duly authorized by vote of the Town Council

Accepted:

LEVIN, PAPANTONIO, THOMAS, MITCHELL, RAFFERTY & PROCTOR, PA  
316 South Baylen Street  
Pensacola, Florida

By \_\_\_\_\_ Date \_\_\_\_\_  
Peter J. Mougey  
*Lead Counsel*

Accepted:

SWEENEY MERRIGAN LAW, LLP  
268 Summer Street, LL  
Boston, Massachusetts

By \_\_\_\_\_ Date \_\_\_\_\_  
Peter M. Merrigan  
*Massachusetts Counsel*

Accepted:

RODMAN, RODMAN & SANDMAN, P.C.  
442 Main Street, Suite 300  
Malden, Massachusetts

By \_\_\_\_\_  
Richard M. Sandman  
*Massachusetts Counsel*

\_\_\_\_\_  
Date

Accepted:

KP LAW, P.C.  
101 Arch Street  
Boston, Massachusetts

By \_\_\_\_\_  
Mark R. Reich  
*Massachusetts Coordinating Counsel*

\_\_\_\_\_  
Date

640646/90001/0073

# **FRANKLIN PLANNING & COMMUNITY DEVELOPMENT**

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

## **MEMORANDUM**

**TO: JEFFREY D. NUTTING, TOWN ADMINISTRATOR**  
**FROM: BRYAN W. TABERNER, AICP, DIRECTOR**  
**RE: ZONING BY-LAW AMENDMENT 18-803 R As Amended. ZONING MAP  
CHANGES, ON OR NEAR FISHER, HAYWARD AND MCCARTHY STREETS**  
**CC: JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR  
AMY LOVE, PLANNER**  
**DATE: JULY 16, 2018**

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The Department of Planning and Community Development (DPCD) has developed a second revision to Zoning Map Amendment 18-803, which was in response to a concern expressed at the July 11, 2018 Town Council meeting.

The only change made to 18-803R was to leave parcel 296-211-000 unchanged (Industrial and Rural Residential I) instead of rezoning to Industrial.

Attached are the following:

- A revised list of parcels proposed for rezoning;
- Zoning By-law Amendment 18-803R As Amended: Zoning Map Changes from Industrial, or Industrial and Single Family Residential IV, or Industrial and Rural Residential I, to Single Family Residential IV, or Industrial, or Rural Residential I an area on or near Fisher, Hayward and McCarthy Streets; and
- An updated/revised diagram with two maps: one showing the current zoning in the area, and one showing proposed Zoning Map changes.

Please let me know if you have questions or require additional information.

**Proposed Zoning Map Amendment**

**Industrial, or Industrial & Single Family Residential IV, or Industrial & Rural Residential I,  
to Single Family Residential IV, or Industrial, or Rural Residential I**

**18-803R As Amended**

**An Area On Or Near Fisher, Hayward and McCarthy Streets**

Parcel	Location	Size (acres)	Owners	From	To
278-016-000	5 Fisher Street	14.75000	CCMcD Property LLC	I & SFRIV	I
287-102-000	40 McCarthy Street	1.26400	J. Greenwood, K. Greenwood, P. Glenn & M A H	I & SFRIV	SFRIV
287-103-000	52 McCarthy Street	0.69842	C.J. Harvey	I & SFRIV	SFRIV
287-104-000	58 McCarthy Street	0.83455	R.A. & B.J. Pisani	I & SFRIV	SFRIV
287-105-000	McCarthy Street	1.11900	Town of Franklin	I & SFRIV	SFRIV
287-106-000	Fisher Street	4.50000	Town of Franklin	I	SFRIV
287-107-000	Sugar Beet Road	3.20000	Town of Franklin	I	SFRIV
287-109-000	269 Fisher Street	43.12000	Town of Franklin	I & RRI	RRI
287-117-000	127 Fisher Street	0.27858	R. Henault	I	SFRIV
287-118-000-000	121 Fisher Street	0.25629	The 121 Fisher St Condo. c/o G. Deforge	I	SFRIV
287-118-000-001	121 Fisher Street	0.00000	G. T. Deforge. J. Deforge	I	SFRIV
287-118-000-002	121 Fisher Street - Unit 2	0.00000	J.E. Moore	I	SFRIV
287-119-000	115 Fisher Street	0.23871	S. King. D. King	I & SFRIV	SFRIV
287-125-000	24 Hayward Street	0.40000	D.L. Eisenhauer. P.L. Eisenhauer	I	SFRIV
287-127-000	25 Hayward Street	0.32137	O. Ndoye	I	SFRIV
	Total Area	70.98092			

I = Industrial Zoning District

SFRIV = Single Family Residential IV Zoning District

RRI = Rural Residential I Zoning District

# Proposed Zoning Map Changes, An Area On Or Near Fisher, Hayward and McCarthy Streets

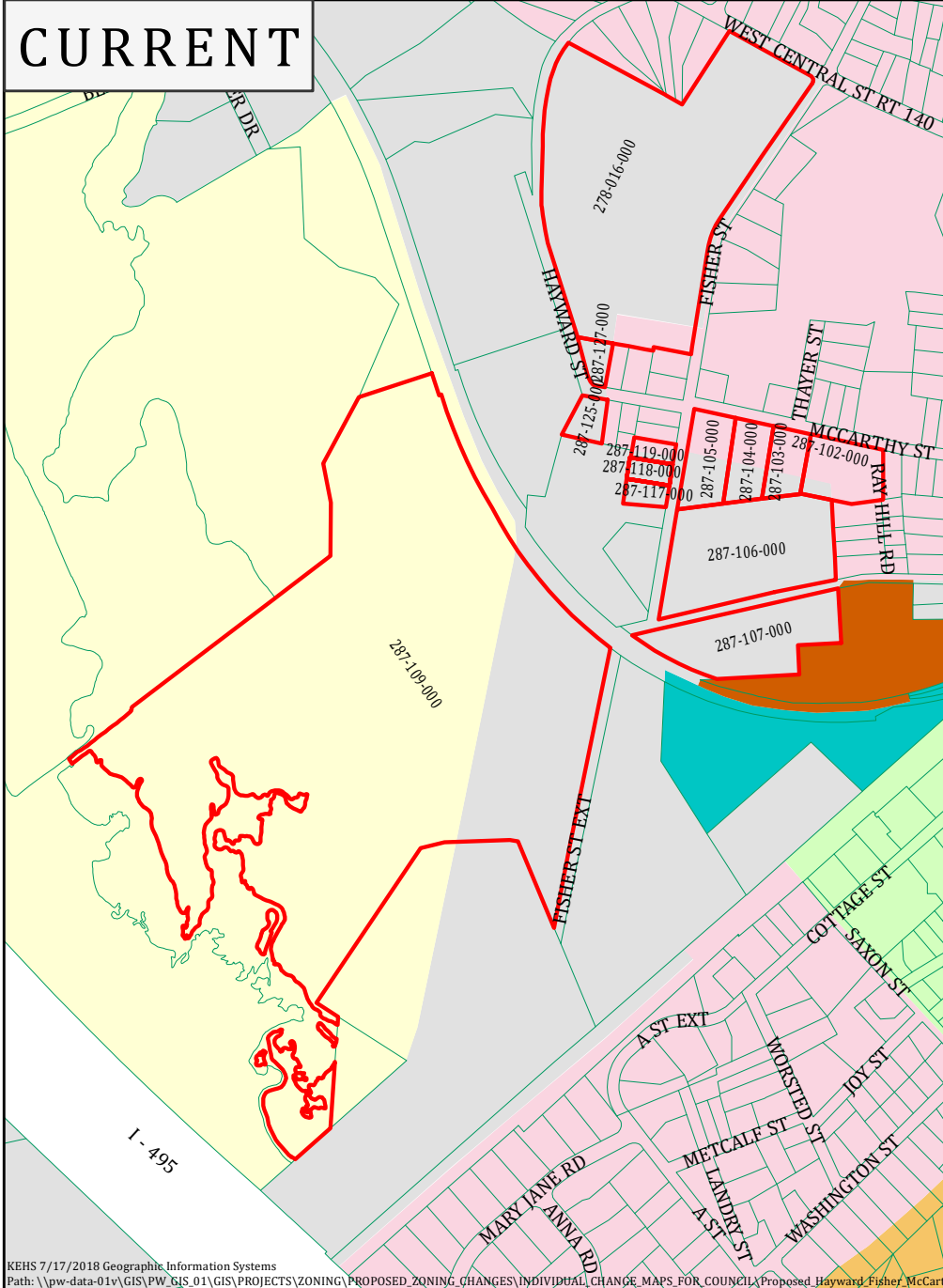
Industrial, or Industrial & Single Family Residential IV, or Industrial & Rural Residential I, to Single Family Residential IV, or Industrial, or Rural Residential I

- Business
- Commercial I
- Industrial
- Residential VI
- Rural Residential I
- Single-Family III
- Single-Family IV
- Area of Proposed Change
- Parcel Line

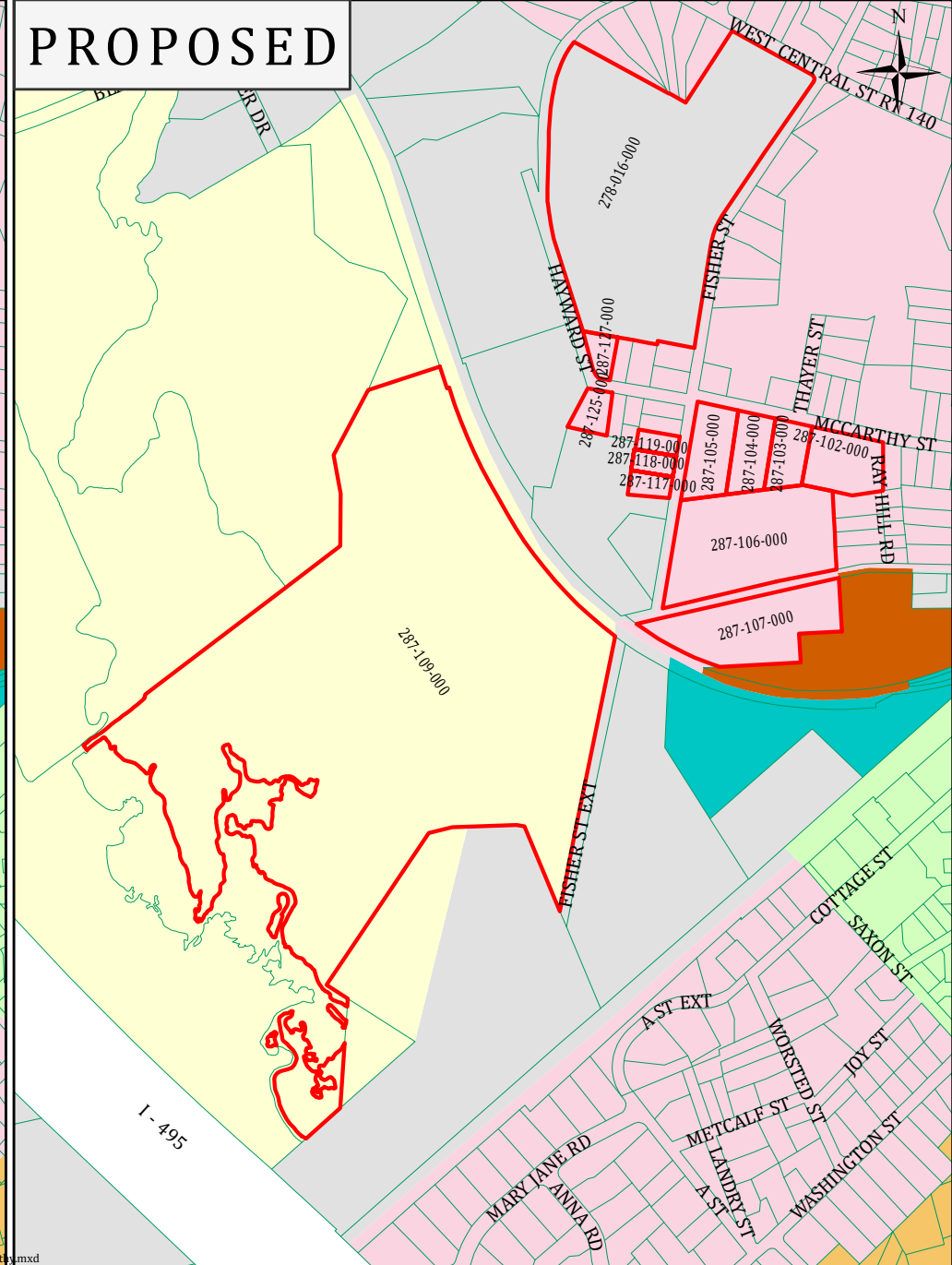
**18-803R As Amended**

0 125 250 500 750 1,000 Feet

**CURRENT**



**PROPOSED**





**TOWN OF FRANKLIN  
ZONING BY-LAW AMENDMENT 18-803R AS AMENDED**

**ZONING MAP CHANGES FROM INDUSTRIAL, OR INDUSTRIAL & SINGLE FAMILY RESIDENTIAL IV, OR INDUSTRIAL & RURAL RESIDENTIAL I, TO SINGLE FAMILY RESIDENTIAL IV, OR INDUSTRIAL, OR RURAL RESIDENTIAL I, AN AREA ON OR NEAR FISHER, HAYWARD AND MCCARTHY STREETS**

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

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

That the Zoning Map of the Town of Franklin be amended by changing from Industrial and Single Family Residential IV to Industrial parcel number **278-016-000** containing **14.75 acres**, as shown on the Town of Franklin's Assessor's Maps

And the Zoning Map of the Town of Franklin be amended by changing from Industrial and Single Family Residential IV to Single Family Residential IV an area containing **4.15± acres**, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

<b>287-102-000</b>	<b>287-103-000</b>	<b>287-104-000</b>
<b>287-105-000</b>	<b>287-119-000</b>	

And the Zoning Map of the Town of Franklin be amended by changing from Industrial to Single Family Residential IV an area containing **8.96± acres**, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

<b>287-106-000</b>	<b>287-107-000</b>	<b>287-117-000</b>
<b>287-118-000</b>	<b>287-125-000</b>	<b>287-127-000</b>

And the Zoning Map of the Town of Franklin be amended by changing from Rural Residential I and Industrial to Rural Residential I parcel number **287-109-000** containing **43.12± acres**, as shown on the Town of Franklin's Assessor's Maps.

The area to be rezoned is shown on the attached map (“Proposed Zoning Map Changes, An Area On Or Near Fisher, Hayward and McCarthy Streets”).

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:** \_\_\_\_\_, 2018

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

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

**Teresa M. Burr**  
**Town Clerk**

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

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

---

**Glenn Jones, Clerk**

# **FRANKLIN PLANNING & COMMUNITY DEVELOPMENT**

355 EAST CENTRAL STREET, ROOM 120

FRANKLIN, MA 02038-1352

TELEPHONE: 508-520-4907

FAX: 508-520-4906

## **MEMORANDUM**

**TO: JEFFREY D. NUTTING, TOWN ADMINISTRATOR**  
**FROM: BRYAN W. TABERNER, AICP, DIRECTOR**  
**RE: ZONING BYLAW AMENDMENT 18-805, CHANGES TO §185-21 PARKING,  
LOADING AND DRIVEWAY REQUIREMENTS**  
**CC: JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR  
AMY LOVE, PLANNER**  
**DATE: APRIL 23, 2018**

---

Over the last several years Zoning Bylaw amendments related to the Commercial I (CI) Zoning District have been proposed several times, including while developing the Town's Master Plan. The proposed Zoning Bylaw amendments fall into three categories:

- Parking Requirements;
- Parcel Dimensional Regulations; and
- Density of Residential Development.

The Department of Planning and Community Development (DPCD) recently developed a zoning bylaw amendment (Zoning Bylaw Amendment 18-805) related to the parking requirements within the CI district, which is the purpose of this memo. Later in the calendar year additional Zoning Bylaw amendments related to parcel dimensional regulations and the density of housing units allowed within the CI District will be developed.

Changes to parking requirements within the Commercial I Zoning District have been discussed since 2010 when much of the CI district was rezoned to a new Downtown Commercial Zoning District. The issue was put aside at that time so it could be addressed during the Master Plan development process. Land Use Objective 3.3 from the Implementation section of Franklin's 2013 Master Plan addresses the issue, and is shown below for reference.

Land Use Objective 3.3: Amend the Town's Zoning Bylaw to require sufficient parking in the Commercial I zoning district.

Currently the Commercial I Zoning District is exempt from the Town's parking regulations outlined in Section 185-21 of the Town's Zoning Bylaw, which means there are no parking requirements in the Commercial I Zoning District for any use. In addition, off-road parking spaces are only required for residential uses in the Downtown Commercial District.

The Zoning Bylaw states the intent of Section 185-21 as: "that adequate off-street parking must be provided within a reasonable distance to service all parking demands created by new construction, whether through new structures or through additions to existing ones, or by change of use creating higher parking demand".

DPCD believes off-road parking should be required for the CI Zoning District, and at least some off-road parking should be required for all uses in the Downtown Commercial District, not only residential.

DPCD has developed Zoning Bylaw Amendment 18-805, which if approved would do the following:

- Require 1.5 parking spaces per housing unit within the Commercial I Zoning District, which is the same as currently required within the Downtown Commercial Zoning District.
- Require 1 parking space per 500 square feet of gross floor area of non-residential development within the Commercial I Zoning District and the Downtown Commercial Zoning District.
  - Note: 1 parking space per 500 square feet is fifty percent or less than other zoning districts.
- Makes minor changes to the wording in 185-21 to improve readability and clarify requirements.

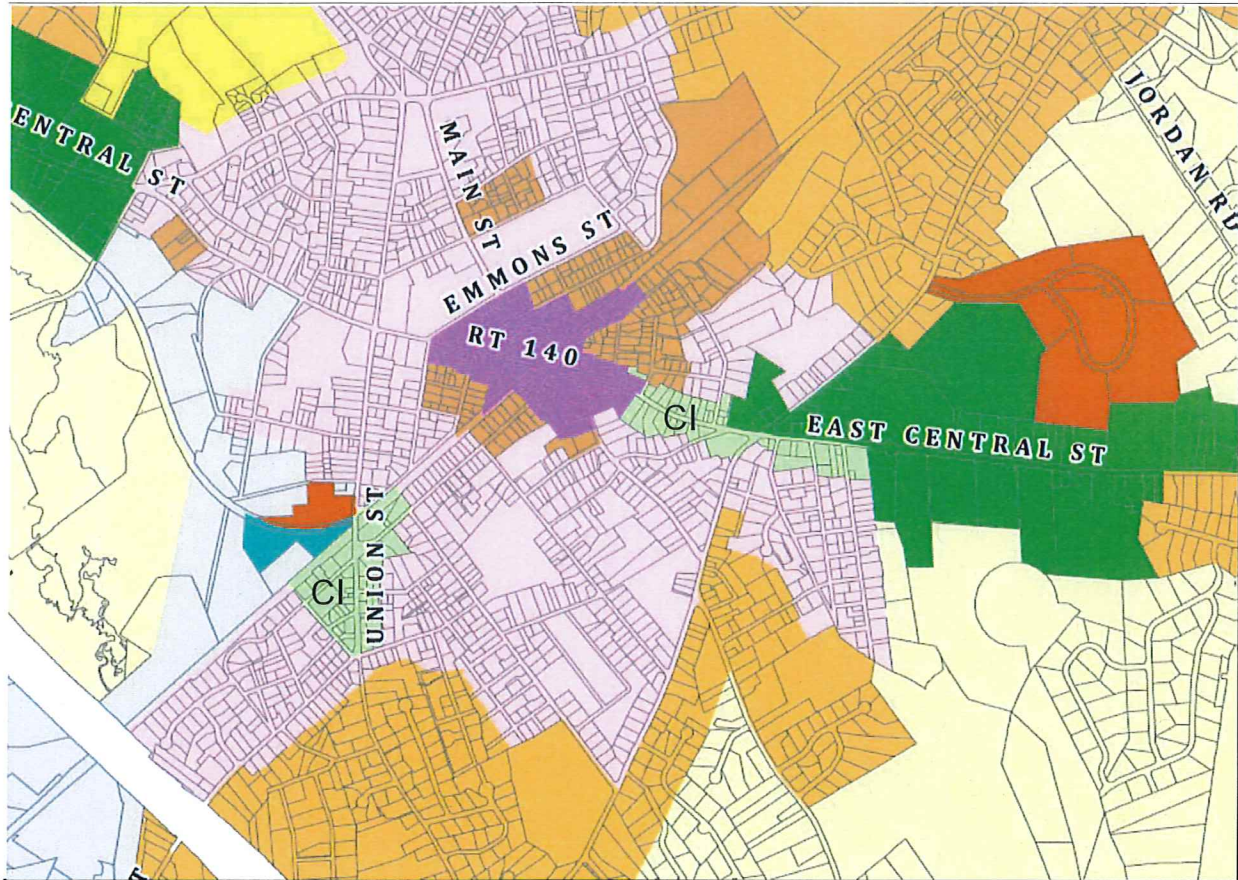
The Economic Development Committee discussed the proposed parking regulations changes at their April 11, 2018 meeting, and voted to send the Zoning Bylaw Amendment to Town Council for further consideration. If Town Council supports the proposed zoning bylaw amendment, DPCD recommends they refer Zoning By-law Amendment 18-805 to the Planning Board for a Public Hearing.

Attached are the following:

- Diagram showing the location of the Commercial I Zoning District;
- Zoning Bylaw Amendment 18-805, which if approved would add parking requirements to the Commercial I Zoning District, and add non-residential parking requirements in the Downtown Commercial Zoning District.

Please let me know if you have questions or require additional information.

### Location of Commercial I (CI) Zoning District



January 3, 2018

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

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 18-805

Changes to §185-21 Parking, Loading and Driveway Requirements.

A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 21  
OF THE CODE OF THE TOWN OF FRANKLIN

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by the following **additions** and **deletions** to §185-21. Parking, Loading and Driveway Requirements, subsections A and B:

A. Parking requirements.

- (1) It is the intent of this section that adequate off-street parking must be provided within a reasonable distance to service all parking demands created by new construction, whether through new structures or through additions to existing ones, or by change of use creating higher parking demand, ~~except in the CI and DC Districts, which is are exempt from this section, with the exception of mixed use developments as described in section 185-21.B(3) below.~~
- (2) Buildings, structures and land uses in existence on the effective date of these provisions are not subject to these off-street parking requirements and may be rebuilt, altered or repaired but not enlarged or changed in use without becoming subject to these requirements.
- (3) In applying for building or occupancy permits, the applicant must demonstrate that the minimum parking requirements set forth in Subsection B of this section will be met for the new demand without counting existing parking necessary for existing uses to meet these requirements.
- (4) The number of required spaces may be reduced below that determined under § 185-21B by the Planning Board for places subject to site plan review or by the Building Commissioner in other cases, upon determination that a lesser provision would be adequate for all parking needs because of such special circumstances as shared parking for uses having peak parking demands at different times, unusual age or other characteristics of site users, company-sponsored car pooling or other trip-conserving measures.

B. Parking schedule. The number of parking spaces required for a particular use shall be as follows:

~~(1) Residential buildings:~~

- ~~(a) Dwelling units, regardless of the number of bedrooms: two spaces.~~

~~(b) Guest houses, lodging houses and other group accommodations: one space.~~

~~(c) Hotels and motels: 1 1/8 spaces per guest unit.~~

~~(2) Nonresidential buildings. (Gross floor area is measured to the outside of the building, with no deductions for hallways, stairs, closets, thickness of walls, columns or other features.)~~

~~(a) Industrial buildings, except warehouses: one space per 400 square feet of gross floor area.~~

~~(b) Retailing, medical, legal and real estate offices: one space per 200 square feet of gross floor area, plus one space per separate enterprise.~~

~~(c) Other offices and banks: one space per 250 square feet of gross floor area.~~

~~(d) Restaurants, theaters and assembly halls: one space per 2.5 seats; if seats are not fixed, one space per 60 square feet of gross floor area.~~

~~(e) Recreation facilities: 0.8 space per occupant at design capacity.~~

~~(f) Warehouses: one space per 1,000 square feet of gross floor area.~~

~~(3) Mixed-use development in the Downtown Commercial Zoning District.~~

~~(a) Residential dwelling units: 1.5 parking spaces per residential unit.~~

~~(b) Nonresidential uses within a mixed use development in the Downtown Commercial Zoning District are exempt from this section (§ 185-21).~~

~~(4) Other facilities: as determined by the Building Commissioner upon advice of the Planning Board, based on usual industrial standards, if any.~~

(1) In the Downtown Commercial Zoning District:

(a) Residential dwelling units: one and a half (1.5) parking spaces per residential unit in a mixed use development.

(b) Non-residential uses: one (1) space per 500 square feet of gross floor area.

(2) In the Commercial I Zoning District:

(a) Residential dwelling units: one and a half (1.5) parking spaces per residential unit.

(b) Non-residential uses: one (1) space per 500 square feet of gross floor area.

(3) All Other Zoning Districts:

(a) Residential buildings:

i. Dwelling units, regardless of the number of bedrooms: two spaces.

ii. Guest houses, lodging houses and other group accommodations: one space per guest unit.

iii. Hotels and motels: 1 1/8 spaces per guest unit.

- (b) Nonresidential buildings: (Gross floor area is measured to the outside of the building, with no deductions for hallways, stairs, closets, thickness of walls, columns or other features.)**
- i. Industrial buildings: except warehouses: one space per 400 square feet of gross floor area.**
  - ii. Retailing, medical, legal and real estate offices: one space per 200 square feet of gross floor area, plus one space per separate enterprise.**
  - iii. Other offices and banks: one space per 250 square feet of gross floor area.**
  - iv. Restaurants, theaters and assembly halls:**
    - a) One space per 2.5 fixed seats.**
    - b) One space per 60 square feet of gross floor area, if seats are not fixed.**
  - v. Recreation facilities: 0.8 space per occupant at design capacity.**
  - vi. Warehouses: one space per 1,000 square feet of gross floor area.**

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

DATED: \_\_\_\_\_, 2018

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

A True Record Attest:

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

ABSTAIN \_\_\_\_\_

Teresa M. Burr  
Town Clerk

ABSENT \_\_\_\_\_

Glenn Jones, Clerk



# Town of Franklin



TOWN OF FRANKLIN  
TOWN CLERK

2018 MAY 25 A 10: 07

RECEIVED

## Planning Board

The following notice will be published in the Milford Daily Newspaper on  
Monday, June 4, 2018 and Monday, June 11, 2018

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In accordance with the provisions of M.G.L. Chapter 40A, Section 5, notice is hereby given that the Planning Board will hold a Public Hearing on June 18, 2018 at 7:05 PM and the Town Council will hold a Public Hearing on June 20, 2018 at 7:10 PM in the Town Council Chambers of the Municipal Building, 355 East Central Street, to consider amending Chapter 185, Section 21 Parking, Loading and Driveway Requirements of the Code of the Town of Franklin as follows:

### ZONING BY-LAW AMENDMENT 18-805

Changes to §185-21 Parking, Loading and Driveway Requirements.

#### A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 21 OF THE CODE OF THE TOWN OF FRANKLIN

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by the following additions and deletions to §185-21. Parking, Loading and Driveway Requirements, sub-sections A and B:

A. Parking requirements.

- (1) It is the intent of this section that adequate off-street parking must be provided within a reasonable distance to service all parking demands created by new construction, whether through new structures or through additions to existing ones, or by change of use creating higher parking demand, ~~except in the CI and DC Districts, which is are exempt from this section, with the exception of mixed use developments as described in section 185-21.B(3) below.~~

Subsection B is deleted entirely and replaced with the following:

B. Parking schedule. The number of parking spaces required for a particular use shall be as follows:

- (1) In the Downtown Commercial Zoning District:
  - (a) Residential dwelling units: one and a half (1.5) parking spaces per residential unit in a mixed use development.
  - (b) Non-residential uses: one (1) space per 500 square feet of gross floor area.
- (2) In the Commercial I Zoning District:
  - (a) Residential dwelling units: one and a half (1.5) parking spaces per residential unit.
  - (b) Non-residential uses: one (1) space per 500 square feet of gross floor area.

**(3) All Other Zoning Districts:**

**(a) Residential buildings:**

- i. Dwelling units, regardless of the number of bedrooms: two spaces.**
- ii. Guest houses, lodging houses and other group accommodations: one space per guest unit.**
- iii. Hotels and motels: 1 1/8 spaces per guest unit.**

**(b) Nonresidential buildings: (Gross floor area is measured to the outside of the building, with no deductions for hallways, stairs, closets, thickness of walls, columns or other features.)**

- i. Industrial buildings: except warehouses: one space per 400 square feet of gross floor area.**
- ii. Retailing, medical, legal and real estate offices: one space per 200 square feet of gross floor area, plus one space per separate enterprise.**
- iii. Other offices and banks: one space per 250 square feet of gross floor area.**
- iv. Restaurants, theaters and assembly halls:**
  - a) One space per 2.5 fixed seats.**
  - b) One space per 60 square feet of gross floor area, if seats are not fixed.**
- v. Recreation facilities: 0.8 space per occupant at design capacity.**
- vi. Warehouses: one space per 1,000 square feet of gross floor area.**

Please contact the Department of Planning & Community Development at 508-520-4907 if you require further information or if you need to make arrangements to provide translation services for the hearing impaired or for persons with language barriers.

Anthony Padula, Chairman  
Franklin Planning Board

Matt Kelly, Chairman  
Franklin Town Council

# Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



## Planning Board

355 East Central Street  
Franklin, Massachusetts 02038-1352

TOWN OF FRANKLIN  
TOWN CLERK

2018 JUN 19 P 1:07

RECEIVED

June 19, 2018

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

### **CERTIFICATE OF VOTE**

Zoning By-law Amendment #18-805  
Changes to §185-21 Parking, Loading and Driveway Requirements.

**Petitioner:** Town Administration

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, June 18, 2018 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to *Continue* the Public Hearing on Zoning By-law Amendment #18-805, Changes to Chapter 185-21 Parking, Loading and Driveway Requirements until July 9, 2018 at 7:20PM.

Sincerely,

Anthony Padula  
Chairman

cc: Town Council  
Town Administrator  
Deputy Town Administrator

# Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



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

TOWN OF FRANKLIN  
TOWN CLERK

2018 JUL 10 A 10:29

RECEIVED

July 10, 2018

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

## **CERTIFICATE OF VOTE**

Zoning By-law Amendment #18-805  
Parking, Loading and Driveway Requirements §185-21

**Petitioner:** Town Administration

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, July 9, 2018 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to **RECOMMEND**, as *presented*, to the Town Council the amendment of Zoning By-law #18-805, Parking, Loading and Driveway Requirements.

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

Sincerely,

Anthony Padula  
Chairman, Planning Board

cc: Town Council  
Town Administrator  
Deputy Town Administrator

# **FRANKLIN PLANNING & COMMUNITY DEVELOPMENT**

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

## **MEMORANDUM**

**TO: JEFFREY D. NUTTING, TOWN ADMINISTRATOR**

**FROM: BRYAN W. TABERNER, AICP, DIRECTOR**

**RE: ZONING BYLAW AMENDMENTS FOR GROUND-MOUNTED SOLAR ENERGY SYSTEMS, AND RELATED ISSUES**

**CC: FRANKLIN PLANNING BOARD**  
**JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR**  
**GUS BROWN, ZONING ENFORCEMENT**  
**AMY LOVE, PLANNER**

**DATE: MAY 15, 2018**

---

Department of Planning and Community Development (DPCD) has worked with other Town Staff to draft zoning bylaw amendments that would provide limited regulation for ground-mounted solar energy systems. If the Town approves the zoning bylaw amendments, installation of a new ground-mounted solar system would be regulated as either an accessory use or a primary use, dependent upon the zoning district and the size ground-mounted solar energy system.

Please note, the proposed bylaw amendments do not regulate roof-top solar energy systems, which are permitted by right.

In order to develop easy to comprehend regulations and to clarify wording in related Zoning Bylaw sections, Town staff has developed proposed changes to three Zoning Bylaw sections:

- 1) §185-3. Definitions;
- 2) §185-19 Accessory buildings and structures; and
- 3) §185 Attachments 4 and 8 (Parts III and VII of the Use Regulation Schedules).

Proposed changes to each Zoning Bylaw section require their own zoning bylaw amendment. Below are summaries of the three amendments, which are identified as Zoning Bylaw Amendments 1, 2 and 3.

### **Zoning Bylaw Amendment 18-810**

§185-3. Definitions. Changes to the Definitions section of Chapter 185 were needed for the following reasons:

- 1) Add three “Solar” related definitions to the Zoning Bylaw  
(Small-scale, Medium-scale, and Large-scale Ground-mounted solar energy systems)
- 2) Move regulatory wording related to pools within the current “Accessory building or use” definition into a more appropriate section of the Zoning Bylaw;

3) Delete the current “Accessory building or use” definition, and add separate definitions for “Accessory building or structure” and “Accessory use”.

### **Zoning Bylaw Amendment 18-811**

§185-19 Accessory buildings and structures. The amendment is a complete rewrite of §185-19 Accessory buildings and structures. Subsections were developed related to several relevant issues, including:

Setbacks and Height Limitations. Required setbacks and height limitations described in this subsection relate to all accessory buildings and structures (e.g., sheds, detached garages, pools, ground-mounted solar), unless noted otherwise in other sections of Chapter 185. There are no changes proposed for these regulations.

Pools. Regulatory wording related to pools within the current “Accessory building or use” definition was moved to this section.

Ground-mounted solar energy systems. This subsection includes additional setback and height restrictions related to accessory ground-mounted solar accessory structures. In general, the Bylaw Amendment will require 20 feet rear and side setbacks for accessory ground-mounted solar energy systems on parcels within or adjacent to residential Zoning Districts, no accessory ground-mounted solar energy system shall be more than 15 feet in height, and Planning Board site plan review is required of all medium-scale ground-mounted solar energy systems.

### **Zoning Bylaw Amendment 18-812**

Parts III and VII of the Use Regulation Schedules. The Zoning Amendment would add the three different size ground-mounted solar energy systems (defined in Zoning Bylaw Amendment 1) into the Use Regulation Schedules (§185 Attachments 4 and 8) of the Zoning Bylaw.

§185 Attachments 4. Add the following “Primary Uses” into the Use Regulations Schedule at Part III Industrial, utility.

- Small-Scale Ground-Mounted Solar Energy System
- Medium-Scale Ground-Mounted Solar Energy System
- Large-Scale Ground-Mounted Solar Energy System

§185 Attachments 8. Add the following “Accessory Uses” into the Use Regulations Schedule at Part VII Accessory Uses.

- Small-Scale Ground-Mounted Solar Energy System
- Medium-Scale Ground-Mounted Solar Energy System

Attached are Zoning Bylaw Amendments 18-810, 18-811, and 18-812. As you know the Economic Development Committee discussed the proposed zoning changes at their May 9, 2018 meeting, and voted to send the three zoning bylaw amendments to the full Council for consideration. If Town Council supports the amendments I request it vote to refer the zoning bylaw amendments to the Planning Board for a public hearing. Please let me know if you have questions or require additional information.



SPONSOR: Administration

**TOWN OF FRANKLIN**  
**ZONING BY-LAW AMENDMENT 18-810**  
**DEFINITIONS. SMALL, MEDIUM AND LARGE GROUND-MOUNTED**  
**SOLAR ENERGY SYSTEMS, ACCESSORY USE, AND**  
**ACCESSORY BUILDING OR STRUCTURE**

**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 the following **deletions** and **additions** to §185-3 Definitions:

~~ACCESSORY BUILDING OR USE: A use or separate structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure~~

~~No accessory buildings or structures of any size shall be closer than 10 feet to any principal building or side or rear lot line. No accessory building or structures shall be less than a distance equal to the common building height to common grade to any rear or side lot line. No accessory building or structures shall be located within a front yard setback. Lots having frontage on any street will maintain the front yard setback from all street frontage. This bylaw will also include all open space developments.~~

~~Swimming pools. The setbacks shall meet those of the accessory structure including pool equipment, i.e., pumps, heaters, etc., in the section noted above. In the case of a corner lot, the pool and the equipment must meet the front yard setback for that zone. Swimming pools are accessory structures whether in-ground, above the ground or on the ground. To get an accurate measurement, above the ground pools should be measured from the outside of the pool including any decking; in-ground pools should be measured from the outside edge of the pool or coping including equipment for both.~~

ACCESSORY BUILDING OR STRUCTURE: A building or other structure that is incidental, subordinate and reasonably related to the principal building on the property and is physically detached from the principal building. Accessory buildings and structures must be on the same property as the building to which they are accessory.

ACCESSORY USE: A use of land found on the same parcel as the principal use, but incidental, subordinate and reasonably related to the principal use.

LARGE-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEMS: An Active Solar Energy System that is structurally mounted to the ground and occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

MEDIUM-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEMS: An Active Solar Energy System that is structurally mounted to the ground and occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).

SMALL-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEMS: An Active Solar Energy System that is structurally mounted to the ground and occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

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:** \_\_\_\_\_, 2018

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

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

**Teresa M. Burr**  
**Town Clerk**

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

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

---

**Glenn Jones, Clerk**



# Town of Franklin



TOWN OF FRANKLIN  
TOWN CLERK

2018 JUN 11 A 9:09

RECEIVED

## Planning Board

The following notice will be published in the Milford Daily Newspaper on  
Monday, June 25, 2018 and Monday, July 2, 2018

---

In accordance with the provisions of M.G.L. Chapter 40A, Section 5, notice is hereby given that the Planning Board will hold a Public Hearing on July 9, 2018 at 7:10 PM and the Town Council will hold a Public Hearing on July 11, 2018 at 7:10 PM in the Town Council Chambers of the Municipal Building, 355 East Central Street, to consider amending Chapter 185, Sections 3, Zoning Map of the Code of the Town of Franklin as follows:

### ZONING BY-LAW AMENDMENT 18-810

#### **DEFINITIONS. SMALL, MEDIUM AND LARGE GROUND-MOUNTED SOLAR ENERGY SYSTEMS, ACCESSORY USE, AND ACCESSORY BUILDING OR STRUCTURE**

#### **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 the following additions to §185-3 Definitions:

**ACCESSORY BUILDING OR STRUCTURE:** A building or other structure that is incidental, subordinate and reasonably related to the principal building on the property and is physically detached from the principal building. Accessory buildings and structures must be on the same property as the building to which they are accessory.

**ACCESSORY USE:** A use of land found on the same parcel as the principal use, but incidental, subordinate and reasonably related to the principal use.

**LARGE-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEMS:** An Active Solar Energy System that is structurally mounted to the ground and occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

**MEDIUM-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEMS:** An Active Solar Energy System that is structurally mounted to the ground and occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).

**SMALL-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEMS:** An Active Solar Energy System that is structurally mounted to the ground and occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

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

The exact amendment may be reviewed in the Department of Planning and Community Development during normal business hours (Monday, Tuesday and Thursday - 8:00 AM to 4:00 PM, Wednesday - 8:00 AM to 6:00 PM, and Friday - 8:00 AM to 1:00 P.M).

Please contact the Department of Planning & Community Development at 508-520-4907 if you require further information or if you need to make arrangements to provide translation services for the hearing impaired or for persons with language barriers.

Anthony Padula, Chairman  
Franklin Planning Board

Matt Kelly, Chairman  
Franklin Town Council

# Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



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

TOWN OF FRANKLIN  
TOWN CLERK

2018 JUL 10 A 9:20

RECEIVED

July 10, 2018

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

## **CERTIFICATE OF VOTE**

Zoning By-law Amendment #18-810  
Solar and Accessory Definitions §185-3

**Petitioner:** Town Administration

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, July 9, 2018 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to **RECOMMEND**, *as presented*, to the Town Council the amendment of Zoning By-law #18-810, Solar and Accessory Definitions.

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

Sincerely,

Anthony Padula  
Chairman, Planning Board

cc: Town Council  
Town Administrator  
Deputy Town Administrator

# **FRANKLIN PLANNING & COMMUNITY DEVELOPMENT**

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

## **MEMORANDUM**

**TO: JEFFREY D. NUTTING, TOWN ADMINISTRATOR**

**FROM: BRYAN W. TABERNER, AICP, DIRECTOR**

**RE: ZONING BYLAW AMENDMENTS FOR GROUND-MOUNTED SOLAR ENERGY SYSTEMS, AND RELATED ISSUES**

**CC: FRANKLIN PLANNING BOARD**  
**JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR**  
**GUS BROWN, ZONING ENFORCEMENT**  
**AMY LOVE, PLANNER**

**DATE: MAY 15, 2018**

---

Department of Planning and Community Development (DPCD) has worked with other Town Staff to draft zoning bylaw amendments that would provide limited regulation for ground-mounted solar energy systems. If the Town approves the zoning bylaw amendments, installation of a new ground-mounted solar system would be regulated as either an accessory use or a primary use, dependent upon the zoning district and the size ground-mounted solar energy system.

Please note, the proposed bylaw amendments do not regulate roof-top solar energy systems, which are permitted by right.

In order to develop easy to comprehend regulations and to clarify wording in related Zoning Bylaw sections, Town staff has developed proposed changes to three Zoning Bylaw sections:

- 1) §185-3. Definitions;
- 2) §185-19 Accessory buildings and structures; and
- 3) §185 Attachments 4 and 8 (Parts III and VII of the Use Regulation Schedules).

Proposed changes to each Zoning Bylaw section require their own zoning bylaw amendment. Below are summaries of the three amendments, which are identified as Zoning Bylaw Amendments 1, 2 and 3.

### **Zoning Bylaw Amendment 18-810**

§185-3. Definitions. Changes to the Definitions section of Chapter 185 were needed for the following reasons:

- 1) Add three “Solar” related definitions to the Zoning Bylaw  
(Small-scale, Medium-scale, and Large-scale Ground-mounted solar energy systems)
- 2) Move regulatory wording related to pools within the current “Accessory building or use” definition into a more appropriate section of the Zoning Bylaw;

3) Delete the current “Accessory building or use” definition, and add separate definitions for “Accessory building or structure” and “Accessory use”.

### **Zoning Bylaw Amendment 18-811**

§185-19 Accessory buildings and structures. The amendment is a complete rewrite of §185-19 Accessory buildings and structures. Subsections were developed related to several relevant issues, including:

Setbacks and Height Limitations. Required setbacks and height limitations described in this subsection relate to all accessory buildings and structures (e.g., sheds, detached garages, pools, ground-mounted solar), unless noted otherwise in other sections of Chapter 185. There are no changes proposed for these regulations.

Pools. Regulatory wording related to pools within the current “Accessory building or use” definition was moved to this section.

Ground-mounted solar energy systems. This subsection includes additional setback and height restrictions related to accessory ground-mounted solar accessory structures. In general, the Bylaw Amendment will require 20 feet rear and side setbacks for accessory ground-mounted solar energy systems on parcels within or adjacent to residential Zoning Districts, no accessory ground-mounted solar energy system shall be more than 15 feet in height, and Planning Board site plan review is required of all medium-scale ground-mounted solar energy systems.

### **Zoning Bylaw Amendment 18-812**

Parts III and VII of the Use Regulation Schedules. The Zoning Amendment would add the three different size ground-mounted solar energy systems (defined in Zoning Bylaw Amendment 1) into the Use Regulation Schedules (§185 Attachments 4 and 8) of the Zoning Bylaw.

§185 Attachments 4. Add the following “Primary Uses” into the Use Regulations Schedule at Part III Industrial, utility.

- Small-Scale Ground-Mounted Solar Energy System
- Medium-Scale Ground-Mounted Solar Energy System
- Large-Scale Ground-Mounted Solar Energy System

§185 Attachments 8. Add the following “Accessory Uses” into the Use Regulations Schedule at Part VII Accessory Uses.

- Small-Scale Ground-Mounted Solar Energy System
- Medium-Scale Ground-Mounted Solar Energy System

Attached are Zoning Bylaw Amendments 18-810, 18-811, and 18-812. As you know the Economic Development Committee discussed the proposed zoning changes at their May 9, 2018 meeting, and voted to send the three zoning bylaw amendments to the full Council for consideration. If Town Council supports the amendments I request it vote to refer the zoning bylaw amendments to the Planning Board for a public hearing. Please let me know if you have questions or require additional information.



SPONSOR: *Administration*

## TOWN OF FRANKLIN

### ZONING BY-LAW AMENDMENT 18-811: CHANGES TO §185-19. ACCESSORY BUILDINGS AND STRUCTURES

#### A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 19 OF THE CODE OF THE TOWN OF FRANKLIN

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

Chapter 185 of the Code of the Town of Franklin is hereby amended by deleting the entire section of §185-19 Accessory buildings and structures, and adding the following text:

**§185-19. Accessory buildings and structures**

**A. Purpose.** The purpose of this Bylaw is to provide for the reasonable regulation and control of accessory buildings and structures within the Town of Franklin in order to protect the health, safety, and welfare of its residents, without unduly restricting the conduct of lawful enterprise.

**B. Setback requirements and height restrictions.** The following setbacks shall apply to all accessory buildings and structures, unless otherwise regulated in other sections of Chapter 185:

1. No accessory building or structure shall be located within a required front yard setback. Lots having frontage on any street will maintain the front yard setback from all street frontage.
2. No accessory building or structure shall be located in any side yard area nearer to the side lot line than 10 feet in any zoning district.
3. No accessory building or structure shall be located in a rear yard nearer to the rear lot line than 10 feet.
4. No accessory building or structures shall be less than a distance equal to the common building height to common grade to any rear or side lot line.
5. No accessory buildings or structures of any size shall be closer than 10 feet to any principal building, or other accessory building or structure.

**C. Swimming Pools.**

The setbacks for swimming pools shall meet those of the accessory structure including pool equipment, i.e., pumps, heaters, etc., in the section noted above. In the case of a corner lot, the pool and the equipment must meet the front yard setback for that zone.

Swimming pools are accessory structures whether in-ground, above-the-ground or on-the-ground. To get an accurate measurement, above-the-ground pools should be measured from the outside of the pool including any decking and related equipment; in-ground pools should be measured from the outside edge of the pool or coping including equipment.

**D. Free standing signs.**

See §185-19. Signs, for accessory sign requirements.

**E. Ground-mounted solar energy systems.**

The following restrictions are additional to setback and height requirements outlined in §185-19.B. above:

1. Planning Board site plan review is required of all medium-scale ground-mounted solar energy systems.
2. No accessory ground-mounted solar energy systems on parcels within or adjacent to residential Zoning Districts shall be located in any side or rear yard area nearer to the lot line than 20 feet.
3. No accessory ground-mounted solar energy system shall be more than 15 feet in height, measured from the common grade.

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:** \_\_\_\_\_, 2018

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

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

**Teresa M. Burr**  
**Town Clerk**

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

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

\_\_\_\_\_  
**Glenn Jones, Clerk**



# Town of Franklin



## Planning Board

TOWN OF FRANKLIN  
TOWN CLERK  
2018 JUN 11 A 9:09  
RECEIVED

The following notice will be published in the Milford Daily Newspaper on  
Monday, June 25, 2018 and Monday, July 2, 2018

In accordance with the provisions of M.G.L. Chapter 40A, Section 5, notice is hereby given that the Planning Board will hold a Public Hearing on July 9, 2018 at 7:10 PM and the Town Council will hold a Public Hearing on July 11, 2018 at 7:10 PM in the Town Council Chambers of the Municipal Building, 355 East Central Street, to consider amending Chapter 185, Sections 19, Zoning By-Law of the Code of the Town of Franklin as follows:

**ZONING BY-LAW AMENDMENT 18-811:  
CHANGES TO §185-19. ACCESSORY BUILDINGS AND STRUCTURES**

**A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 19  
OF THE CODE OF THE TOWN OF FRANKLIN**

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

Chapter 185 of the Code of the Town of Franklin is hereby amended by deleting the entire section of §185-19 Accessory buildings and structures, and adding the following text:

**§185-19. Accessory buildings and structures**

**A. Purpose.** The purpose of this Bylaw is to provide for the reasonable regulation and control of accessory buildings and structures within the Town of Franklin in order to protect the health, safety, and welfare of its residents, without unduly restricting the conduct of lawful enterprise.

**B. Setback requirements and height restrictions.** The following setbacks shall apply to all accessory buildings and structures, unless otherwise regulated in other sections of Chapter 185:

1. No accessory building or structure shall be located within a required front yard setback. Lots having frontage on any street will maintain the front yard setback from all street frontage.
2. No accessory building or structure shall be located in any side yard area nearer to the side lot line than 10 feet in any zoning district.
3. No accessory building or structure shall be located in a rear yard nearer to the rear lot line than 10 feet.
4. No accessory building or structures shall be less than a distance equal to the common building height to common grade to any rear or side lot line.
5. No accessory buildings or structures of any size shall be closer than 10 feet to any principal building, or other accessory building or structure.

**C. Swimming Pools.**

The setbacks for swimming pools shall meet those of the accessory structure including pool equipment, i.e., pumps, heaters, etc., in the section noted above. In the case of a corner lot, the pool and the equipment must meet the front yard setback for that zone.



Swimming pools are accessory structures whether in-ground, above-the-ground or on-the-ground. To get an accurate measurement, above-the-ground pools should be measured from the outside of the pool including any decking and related equipment; in-ground pools should be measured from the outside edge of the pool or coping including equipment.

**D. Free standing signs.**

See §185-19. Signs, for accessory sign requirements.

**E. Ground-mounted solar energy systems.**

The following restrictions are additional to setback and height requirements outlined in §185-19.B. above:

1. Planning Board site plan review is required of all medium-scale ground-mounted solar energy systems.
2. No accessory ground-mounted solar energy systems on parcels within or adjacent to residential Zoning Districts shall be located in any side or rear yard area nearer to the lot line than 20 feet.
3. No accessory ground-mounted solar energy system shall be more than 15 feet in height, measured from the common grade.

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

The exact amendment may be reviewed in the Department of Planning and Community Development during normal business hours (Monday, Tuesday and Thursday - 8:00 AM to 4:00 PM, Wednesday - 8:00 AM to 6:00 PM, and Friday - 8:00 AM to 1:00 P.M).

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Anthony Padula, Chairman  
Franklin Planning Board

Matt Kelly, Chairman  
Franklin Town Council

# Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



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

TOWN OF FRANKLIN  
TOWN CLERK

2018 JUL 10 A 9:20

RECEIVED

July 10, 2018

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

## **CERTIFICATE OF VOTE**

Zoning By-law Amendment #18-811  
Accessory Building and Structures §185-19

**Petitioner:** Town Administration

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, July 9, 2018 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to **RECOMMEND**, *as presented*, to the Town Council the amendment of Zoning By-law #18-811, Accessory Building and Structures.

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

Sincerely,

Anthony Padula  
Chairman, Planning Board

cc: Town Council  
Town Administrator  
Deputy Town Administrator

# **FRANKLIN PLANNING & COMMUNITY DEVELOPMENT**

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

## **MEMORANDUM**

**TO: JEFFREY D. NUTTING, TOWN ADMINISTRATOR**

**FROM: BRYAN W. TABERNER, AICP, DIRECTOR**

**RE: ZONING BYLAW AMENDMENTS FOR GROUND-MOUNTED SOLAR ENERGY SYSTEMS, AND RELATED ISSUES**

**CC: FRANKLIN PLANNING BOARD**  
**JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR**  
**GUS BROWN, ZONING ENFORCEMENT**  
**AMY LOVE, PLANNER**

**DATE: MAY 15, 2018**

---

Department of Planning and Community Development (DPCD) has worked with other Town Staff to draft zoning bylaw amendments that would provide limited regulation for ground-mounted solar energy systems. If the Town approves the zoning bylaw amendments, installation of a new ground-mounted solar system would be regulated as either an accessory use or a primary use, dependent upon the zoning district and the size ground-mounted solar energy system.

Please note, the proposed bylaw amendments do not regulate roof-top solar energy systems, which are permitted by right.

In order to develop easy to comprehend regulations and to clarify wording in related Zoning Bylaw sections, Town staff has developed proposed changes to three Zoning Bylaw sections:

- 1) §185-3. Definitions;
- 2) §185-19 Accessory buildings and structures; and
- 3) §185 Attachments 4 and 8 (Parts III and VII of the Use Regulation Schedules).

Proposed changes to each Zoning Bylaw section require their own zoning bylaw amendment. Below are summaries of the three amendments, which are identified as Zoning Bylaw Amendments 1, 2 and 3.

### **Zoning Bylaw Amendment 18-810**

§185-3. Definitions. Changes to the Definitions section of Chapter 185 were needed for the following reasons:

- 1) Add three “Solar” related definitions to the Zoning Bylaw  
(Small-scale, Medium-scale, and Large-scale Ground-mounted solar energy systems)
- 2) Move regulatory wording related to pools within the current “Accessory building or use” definition into a more appropriate section of the Zoning Bylaw;

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### **Zoning Bylaw Amendment 18-811**

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Setbacks and Height Limitations. Required setbacks and height limitations described in this subsection relate to all accessory buildings and structures (e.g., sheds, detached garages, pools, ground-mounted solar), unless noted otherwise in other sections of Chapter 185. There are no changes proposed for these regulations.

Pools. Regulatory wording related to pools within the current “Accessory building or use” definition was moved to this section.

Ground-mounted solar energy systems. This subsection includes additional setback and height restrictions related to accessory ground-mounted solar accessory structures. In general, the Bylaw Amendment will require 20 feet rear and side setbacks for accessory ground-mounted solar energy systems on parcels within or adjacent to residential Zoning Districts, no accessory ground-mounted solar energy system shall be more than 15 feet in height, and Planning Board site plan review is required of all medium-scale ground-mounted solar energy systems.

### **Zoning Bylaw Amendment 18-812**

Parts III and VII of the Use Regulation Schedules. The Zoning Amendment would add the three different size ground-mounted solar energy systems (defined in Zoning Bylaw Amendment 1) into the Use Regulation Schedules (§185 Attachments 4 and 8) of the Zoning Bylaw.

§185 Attachments 4. Add the following “Primary Uses” into the Use Regulations Schedule at Part III Industrial, utility.

- Small-Scale Ground-Mounted Solar Energy System
- Medium-Scale Ground-Mounted Solar Energy System
- Large-Scale Ground-Mounted Solar Energy System

§185 Attachments 8. Add the following “Accessory Uses” into the Use Regulations Schedule at Part VII Accessory Uses.

- Small-Scale Ground-Mounted Solar Energy System
- Medium-Scale Ground-Mounted Solar Energy System

Attached are Zoning Bylaw Amendments 18-810, 18-811, and 18-812. As you know the Economic Development Committee discussed the proposed zoning changes at their May 9, 2018 meeting, and voted to send the three zoning bylaw amendments to the full Council for consideration. If Town Council supports the amendments I request it vote to refer the zoning bylaw amendments to the Planning Board for a public hearing. Please let me know if you have questions or require additional information.

**Sponsor:** *Administration*

**TOWN OF FRANKLIN**

**ZONING BY-LAW AMENDMENT 18-812: GROUND-MOUNTED  
SOLAR ENERGY SYSTEM USE REGULATIONS,**

**CHANGES TO CHAPTER 185, USE REGULATIONS  
SCHEDULE PART III AND 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 Use Regulations Schedule Part III and Part VII, Attachment 4 and Attachment 8:

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														
	RR RV	RRR RVII	SFR III	SFR IV	GRV	NC	RB	CI	CII	DC	B	I	LI	O	
3. Industrial, utility															
3.1 Bus, railroad station	N	N	N	N	N	N	N	P/SP	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	N <sup>7</sup>	N	N	N	N <sup>7</sup>	P/SP	N	N	N
b. Other	N	N	N	N	N	N	N	N	N	N	N <sup>7</sup>	P/SP	N	N	N
3.3 Earth removal															
a. Earth removal, commercial <sup>1,3,6</sup>	N	N	N	N	N	N	N	BA	BA	N	BA	BA	BA	BA	BA
b. Earth removal, other <sup>4</sup>	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
c. Rock quarrying	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
d. Washing, sorting and/or crushing or processing of materials	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
e. Production of concrete	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
f. Production of bituminous concrete	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
3.4 Lumberyard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
3.5 Manufacturing and Processing:															
a. Biotechnology <sup>1</sup>	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y
b. Light	N	N	N	N	N	N	N	PB	PB	PB	PB	P/SP	N	PB	PB
c. Medium	N	N	N	N	N	N	N	N	N	N	N	P/SP	N	N	N
d. Heavy	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
3.6 Printing, publishing:															
a. Under 5,000 square feet	N	N	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	P/SP	N	P/SP	P/SP
b. Over 5,000 square feet	N	N	N	N	N	N	N	N	N	N	P/SP	P/SP	N	PB	PB

185 Attachment 4  
 USE REGULATION SCHEDULE  
 PART III (Continued)

Principal Uses	District													
	RRI P/SP	RRII RVII	SFRJII P/SP	SFRJIV P/SP	GRV P/SP	NC	RB	CI	CII	DC	B	I	LI	O
3.7 Public utility	N													
3.8 Electric power plant														
3.8 Research and development:														
a. Biotechnology <sup>1</sup>	N	N	N	N	N	N	N	N	N	N	N	PB <sup>2</sup>	N	PB <sup>2</sup>
b. Others	N	N	N	N	N	N	N	N	N	N	N	P/SP	N	P/SP
3.9 Solid waste facility	N	N	N	N	N	N	N	N	N	N	N	BA	N	N
3.10 Warehouse, distribution facility	N	N	N	N	N	N	N	N	N	N	N	Y	N	N <sup>7</sup>
3.11 Wholesale office, salesroom:														
a. With storage	N	N	N	N	N	N	N	N	P/SP	N	P/SP	P/SP	N	N <sup>7</sup>
b. Without storage	N	N	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	Y	N <sup>7</sup>	N <sup>7</sup>
3.12 Conference center	N	N	N	N	N	N	N	N	PB	N	PB	PB	P/SP	PB
3.13 Brewery, distillery, or winery production with tasting room	N	N	N	N	N	N	N	PB	PB	PB	PB	PB	PB	N
3.14 Ground-mounted Solar Energy System														
a. Small-scale	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y
b. Medium-scale <sup>(8)</sup>	PB	PB	PB	PB	N <sup>7</sup>	N	N <sup>7</sup>	N	PB	N	PB	Y	N	N <sup>7</sup>
c. Large-scale <sup>(8)</sup>	PB	PB	PB	N	N	N	N	N	N	N	PB	Y	N	N

- 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.
  - Planning Board Site Plan Review is required of all Medium-scale and Large-scale Ground-mounted Solar Energy Systems.**

185 Attachment 8  
USE REGULATION SCHEDULE  
PART VII

Symbols in the Use Regulations Schedule shall mean the following:

Y = A permitted use.

N = An excluded or prohibited use.

BA = A use authorized under special permit from the Board of Appeals.

PB = A use authorized under special permit from the Planning Board.

P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

	District													
	RR I RV I	RR II RV II	SFR III	SFR IV	GRV	NC	RB	CI	CII	DC	B	I	LI	O
Accessory Uses														
A1 Boarding	N		Y	Y	Y	Y	N	Y	Y	N	N	N	N	N
A2 Contractor's yard	N		N	N	N	N	N	N	N	N	Y	Y	N	N
a. Landscape materials storage and distribution			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
A3 Home occupation (See § 185-39B.)	N		N	N	N	Y <sup>3</sup>	Y <sup>3</sup>	N	N	N	Y	Y	N	N
A4 Manufacture, assembly, packing of goods sold on premises	Y		Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y <sup>1</sup>
A5 Off-street parking (See § 185-39C.)	N		N	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y
A6 Professional office, studio (See § 185-39A.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
A7 Restaurant, bar	N		N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
A8 Retail sale of nonagricultural products manufactured, warehoused or manufactured, warehoused or distributed on or from premises	N		N	N	N	Y	N	Y	Y	Y	Y	Y <sup>2</sup>	N	Y <sup>2</sup>
A9 Scientific use in compliance with § 185-37	BA		BA	BA	BA	BA	N	BA	BA	BA	Y	Y	Y	Y
A10 Signs (See § 185-20.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
A11 Single-family dwelling for personnel required for safe operation	Y		Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y
A12 Other customary accessory uses	Y		Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
A13 Other retail sales, services	N		N	N	N	Y	N <sup>1</sup>	Y	Y	Y	Y	Y	Y	Y
A13.1 Animal grooming	BA		BA	BA	BA	BA	N	Y	BA	Y	BA	BA	BA	BA
A14 Operation of not more than 5 automatic amusement devices	N		N	N	N	N	N	N	Y	Y	Y	Y	N	N
A15 Warehouse/distribution facility	N		N	N	N	N	N	N	Y	N	Y	Y	N	Y
A16 Wholesale office, salesroom														
a. With storage	N		N	N	N	N	N	Y	Y	Y	Y	Y	N	Y
b. Without storage	N		N	N	N	N	N	Y	Y	Y	Y	Y	Y <sup>2</sup>	Y
A17 Catering	N		N	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y
A18 Function hall	N		N	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y
A19 Ground-mounted Solar Energy System <sup>5</sup>														
a. Small-scale	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
b. Medium-scale <sup>6</sup>	PB		PB	PB	PB	N	PB	N	PB	N	PB	Y	N	PB

NOTES:

1. But N if occupying more than 50% of the floor area occupied by the principal use and not more than five persons employed on the premises in the DC District and CI District and not more than 10 persons in the CII District and O District.
2. Provided that no more than 25% of the total floor space is used for display or retailing.
3. Such uses shall be restricted to seasonal operations only.
4. Accessory retail sales within a Country Store, as defined in §185-3, shall not exceed 50% of the establishment's floor area open to the public.
5. See §185-19, "Accessory buildings and structures".
6. Planning Board Site Plan Review is required of all Medium-scale Ground-mounted Solar Energy Systems.



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.

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DATED: \_\_\_\_\_, 2018

VOTED:

UNANIMOUS \_\_\_\_\_

A True Record Attest:

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

ABSTAIN \_\_\_\_\_

Teresa M. Burr  
Town Clerk

ABSENT \_\_\_\_\_

---

Glenn Jones, Clerk

# Town of Franklin



## Planning Board

TOWN OF FRANKLIN  
TOWN CLERK

2018 JUN 11 A 9:08

RECEIVED

The following notice will be published in the Milford Daily Newspaper on  
Monday, June 25, 2018 and Monday, July 2, 2018

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In accordance with the provisions of M.G.L. Chapter 40A, Section 5, notice is hereby given that the Planning Board will hold a Public Hearing on July 9, 2018 at 7:10 PM and the Town Council will hold a Public Hearing on July 11, 2018 at 7:10 PM in the Town Council Chambers of the Municipal Building, 355 East Central Street, to consider amending Chapter 185, Attachments 4 & 8, Zoning By-Law of the Code of the Town of Franklin as follows:

### ZONING BY-LAW AMENDMENT 18-812:

**Changes to §185, Attachment 4, Part III and Attachment 8, Part VII, Use Regulation Schedule:** Chapter 185 of the Code of the Town of Franklin will be amended at Attachment 7, Part VI, Use Regulation Schedule. The Zoning Amendment would add the three different size ground-mounted solar energy systems (Small, Medium Large-scale) into the Use Regulation Schedules (§185 Attachments 4 and 8) of the Zoning Bylaw

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

The exact amendment may be reviewed in the Department of Planning and Community Development during normal business hours (Monday, Tuesday and Thursday - 8:00 AM to 4:00 PM, Wednesday - 8:00 AM to 6:00 PM, and Friday - 8:00 AM to 1:00 P.M).

Please contact the Department of Planning & Community Development at 508-520-4907 if you require further information or if you need to make arrangements to provide translation services for the hearing impaired or for persons with language barriers.

Anthony Padula, Chairman  
Franklin Planning Board

Matt Kelly, Chairman  
Franklin Town Council

# Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



TOWN OF FRANKLIN  
TOWN CLERK

Planning Board 2018 JUL 10 A 9:20  
355 East Central Street  
Franklin, Massachusetts 02038-1352 RECEIVED

July 10, 2018

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

## CERTIFICATE OF VOTE

Zoning By-law Amendment #18-812  
Use Regulation – Ground Mounted Solar  
§185 Attachment 4, Part III and Attachment 7, Part VI

**Petitioner:** Town Administration

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, July 9, 2018 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to **RECOMMEND**, *as presented*, to the Town Council the amendment of Zoning By-law #18-812, Use Regulation – Ground Mounted Solar.

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

Sincerely,

Anthony Padula  
Chairman, Planning Board

cc: Town Council  
Town Administrator  
Deputy Town Administrator

# FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

## MEMORANDUM

**TO:** JEFFREY D. NUTTING, TOWN ADMINISTRATOR  
**FROM:** BRYAN W. TABERNER, AICP, DIRECTOR  
**RE:** ZONING BYLAW AMENDMENT 18-815: CHANGES TO DIMENSIONAL REGULATIONS FOR COMMERCIAL I ZONING DISTRICT  
**CC:** JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR  
AMY LOVE, PLANNER  
**DATE:** JUNE 14, 2018

The Department of Planning and Community Development (DPCD) has developed a Zoning Bylaw amendment related to dimensional regulations within the Commercial I (CI) Zoning District, which is the purpose of this memo. Changes to dimensional regulations within the Commercial I Zoning District have been discussed since 2010 when much of the CI district was rezoned to a new Downtown Commercial Zoning District. The issue was put aside at that time so it could be addressed during the Master Plan development process. Land Use Objective 3.2 from the Implementation section of Franklin's 2013 Master Plan addresses the issue, and is shown below for reference.

Land Use Objective 3.2: Amend the dimensional requirements within the Commercial I zoning district to encourage green space, use of outdoor seating areas, and assemblage of properties to encourage new business, business expansion and business retention, in the Commercial I zoning district.

Currently the CI district has the least restrictive requirements of Franklin's zoning districts. The proposed dimensional regulations do not represent a substantial change from current requirements. Below is a comparison of current and proposed dimensional requirements within the Commercial I Zoning District.

Commercial I Zoning District	Current	Proposed
<b><i>Minimum Side Yard Dimensions</i></b>	0'	10'

Note 1: The 10 feet side setback is only required on one side of lot; if lot abuts a residential district, a twenty feet setback is required on the abutting side.

Requiring a 10 feet setback in the side yard of each CI parcel is recommended by Town staff to provide easier access to the rear of properties by emergency response personnel, but also serves to promote courtyards and pedestrian oriented plazas, improve pedestrian flow, and encourage green space and pervious surfaces.

Commercial I Zoning District	Current	Proposed
------------------------------	---------	----------

**Maximum Impervious Coverage of Existing Upland**

Structures:	90%	80%
Structures and Paving:	100%	90%

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Currently owners of CI parcels are allowed to have one hundred percent impervious surface. Very few CI parcels currently have more than 90 percent impervious surface, therefore this proposed change is not likely to create problems for property owners, and guarantee that new development will have at least some pervious areas for stormwater infiltration and landscaping.

The Economic Development Committee discussed the proposed parking regulations changes at a previous meeting, and voted to send the Zoning Bylaw Amendment to Town Council for further consideration. If Town Council supports the proposed zoning bylaw amendment, DPCD recommends they refer Zoning By-law Amendment 18-815 to the Planning Board for a Public Hearing.

Additional changes to CI dimensional requirements (maximum building height) are being considered, but are not moving forward at this time. Please let me know if you have questions or require additional information.

**TOWN OF FRANKLIN  
ZONING BY-LAW AMENDMENT 18-815  
COMMERCIAL I SIDE YARD AND MAXIMUM IMPERVIOUS  
COVERAGE 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 and ~~deletions~~** to §185, Attachment 9 Schedule of Lot, Area, Frontage, Yard and Height Requirements:

185 Attachment 9

Schedule of Lot, Area, Frontage, Yard and Height Requirements

District	Minimum Lot Dimensions				Minimum Yard Dimensions			Maximum Height of Building		Maximum Impervious Coverage of Existing	
	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 <sup>3</sup>
Rural Residential I	40,000	200	200	180 <sup>4</sup>	40	40	40	3	35	20	25
Residential VI	40,000	200	200	180 <sup>4</sup>	40	40	40	3	35	20	25
Residential VII <sup>11</sup>	40,000	200	200	180 <sup>4</sup>	40	40	40	3	35	20 <sup>12</sup>	25 <sup>12</sup>
Rural Residential II	30,000	150	200	135 <sup>4</sup>	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
Rural Business <sup>13</sup>	40,000	200	200	180	40	30	40	1.5	30	10	30
Downtown Commercial	5,000	50	50	45	5 <sup>10</sup>	0 <sup>2</sup>	15	3 <sup>9</sup>	40 <sup>9</sup>	80	90
Commercial I <sup>7</sup>	5,000	50	50	45	20 <sup>1</sup>	0 <sup>2</sup> 10 <sup>14</sup>	15	3 <sup>6</sup>	40 <sup>6</sup>	<del>90-80</del>	<del>100-90</del>
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 <sup>5</sup>	30 <sup>5</sup>	3 <sup>6</sup>	-	70	80
Limited Industrial	40,000	175	200	157.5	40	30 <sup>8</sup>	30 <sup>8</sup>	3 <sup>6</sup>	40 <sup>6</sup>	70	80
Office	40,000	100	100	90	20	30 <sup>5</sup>	30 <sup>5</sup>	3 <sup>6</sup>	40 <sup>6</sup>	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:

- <sup>1</sup> But no new structure shall be required to provide a deeper yard than that existing on that parcel upon adoption of this amendment.
- <sup>2</sup> Increase to 20 feet when abutting a residential district.
- <sup>3</sup> See definition of Upland §185-3, §185-36. Impervious Surfaces and §185-40. Water Resource District.
- <sup>4</sup> 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.
- <sup>5</sup> Increase by the common building height of the structure, when abutting a residential use.
- <sup>6</sup> Up to 5 stories and/or 60 feet, whichever is greater, may be permitted by a special permit from the Planning Board.
- <sup>7</sup> Permitted residential uses must observe requirements of General Residential V District for residential use building only. Mixed use buildings are exempt from this requirement.
- <sup>8</sup> Increase by 1.5 the common building height of a structure, when abutting a residential district or use.
- <sup>9</sup> Up to 4 stories and/or 50 feet, whichever is greater, may be permitted by a special permit from the Planning Board provided the structure is set back at least 15 feet from frontage.
- <sup>10</sup> Minimum 5' setback required on first floor, street level; upper floors can overhang required first floor set back.
- <sup>11</sup> See §185-50.
- <sup>12</sup> 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.
- <sup>13</sup> 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.

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**DATED:** \_\_\_\_\_, 2018

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

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

**Teresa M. Burr**  
**Town Clerk**

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

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

---

**Glenn Jones, Clerk**



# Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



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

July 24, 2018

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

## **CERTIFICATE OF VOTE**

Zoning By-law Amendment #18-815

§185 Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements

**Petitioner:** Town Administration

Dear Mrs. Burr:

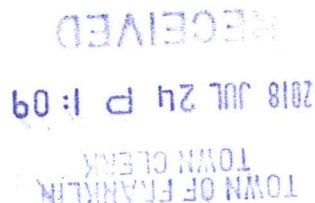
Please be advised that at its meeting on Monday, July 23, 2018 the Planning Board, upon motion duly made and seconded, voted (4-0-1) to **RECOMMEND**, *as presented*, to the Town Council the amendment of Zoning By-law #18-815, Schedule of Lot, Area, Frontage, Yard and Height Requirements.

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

Sincerely,

Anthony Padula  
Chairman, Planning Board

cc: Town Council  
Town Administrator  
Deputy Town Administrator



# Town of Franklin



## Planning Board

TOWN OF FRANKLIN  
TOWN CLERK  
2018 JUN 25 P 3:08  
RECEIVED

The following notice will be published in the Milford Daily Newspaper on  
Monday, July 9, 2018 and Monday, July 16, 2018

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In accordance with the provisions of M.G.L. Chapter 40A, Section 5, notice is hereby given that the Planning Board will hold a Public Hearing on July 23, 2018 at 7:10 PM and the Town Council will hold a Public Hearing on August 8, 2018 at 7:10 PM in the Town Council Chambers of the Municipal Building, 355 East Central Street, to consider amending Chapter 185, Attachment 9 requirements of the Code of the Town of Franklin as follows:

### **ZONING BY-LAW AMENDMENT 18-815**

#### **Changes to §185, Attachment 9, 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 increasing the side yard setback and decreasing allowable impervious coverage.

Please contact the Department of Planning & Community Development at 508-520-4907 if you require further information or if you need to make arrangements to provide translation services for the hearing impaired or for persons with language barriers.

Anthony Padula, Chairman  
Franklin Planning Board

Matt Kelly, Chairman  
Franklin Town Council

**FRANKLIN PLANNING & COMMUNITY DEVELOPMENT**

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

**MEMORANDUM**

**TO: JEFFREY D. NUTTING, TOWN ADMINISTRATOR**  
**FROM: BRYAN W. TABERNER, AICP, DIRECTOR**  
**RE: ZONING BYLAW AMENDMENT 18-816: POULTRY USE REGULATIONS**  
**CC: FRANKLIN PLANNING BOARD**  
**JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR**  
**GUS BROWN, ZONING ENFORCEMENT**  
**AMY LOVE, PLANNER**  
**DATE: JUNE 14, 2018**

---

Department of Planning and Community Development (DPCD) was asked to draft a zoning bylaw amendment related to poultry.

As you know the Economic Development Committee discussed the proposed zoning changes at their June 6, 2018 meeting, and voted to send the issue to the full Council for consideration. If Town Council supports the changes I request it vote to refer the zoning bylaw amendment to the Planning Board for a public hearing. Please let me know if you have questions or require additional information.

**Sponsor:** *Administration*

**TOWN OF FRANKLIN**

**ZONING BY-LAW AMENDMENT 18-816: POULTRY USE REGULATIONS,**

**CHANGES TO CHAPTER 185, USE REGULATIONS  
SCHEDULE PARTS I AND VII**

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

Chapter 185 of the Code of the Town of Franklin is hereby amended by the following **Additions** and **~~Deletions~~** to §185 Use Regulations Schedule Parts I and VII, Attachments 2 and 8:

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	RB	CI	CII	DC	B	I	LI	O
1. Agriculture, horticulture and floriculture														
1.1 Nursery, greenhouse	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y
1.2 Produce stand <sup>1</sup>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
1.3 Other, parcel of 5 or more acres	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
1.4 Other, parcel under 5 acres:														
a. With swine or fur-bearing animals for commercial use	N	N	N	N	N	N	N	N	N	N	N	N	N	N
b. With other livestock <del>or poultry</del>	Y <sup>2</sup>	Y <sup>2</sup>	N	N	N	N	N	N	N	N	N	N	N	N
c. With no livestock	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
<b>d. With poultry</b>	<u>Y<sup>3</sup></u>	<u>Y<sup>3</sup></u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
1.5 Garden Center, Retail or Wholesale	PB	PB	PB	PB	PB	PB	PB	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.
- 3 Any related structure shall be to the rear of the property's primary building, and at least 25 feet from side and rear property lines.**

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.

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	N	Y	Y	N	N	N	N	N
A2 Contractor's yard	N		N	N	N	N	N	N	N	N	Y	Y	N	N
a. Landscape materials storage and distribution	N		N	N	N	Y <sup>3</sup>	Y <sup>3</sup>	N	N	N	Y	Y	N	N
A3 Home occupation (See § 185-39B.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N
A4 Manufacture, assembly, packing of goods sold on premises	N		N	N	N	Y <sup>1</sup>	N	Y <sup>1</sup>	Y <sup>1</sup>	Y <sup>1</sup>	Y	Y	N	Y <sup>1</sup>
A5 Off-street parking (See § 185-39C.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
A6 Professional office, studio (See § 185-39A.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
A7 Restaurant, bar	N		N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
A8 Retail sale of nonagricultural products manufactured, warehoused or manufactured, warehoused or distributed on or from premises	N		N	N	N	Y	N	Y	Y	Y	Y	Y <sup>2</sup>	N	Y <sup>2</sup>
A9 Scientific use in compliance with § 185-37	BA		BA	BA	BA	BA	N	BA	BA	BA	Y	Y	Y	Y
A10 Signs (See § 185-20.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
A11 Single-family dwelling for personnel required for safe operation	Y		Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y
A12 Other customary accessory uses	Y		Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
A13 Other retail sales, services	N		N	N	N	Y	N <sup>4</sup>	Y	Y	Y	Y	Y	Y	Y
A13.1 Animal grooming	BA		BA	BA	BA	BA	N	Y	BA	Y	BA	BA	BA	BA
A14 Operation of not more than 5 automatic amusement devices	N		N	N	N	N	N	N	Y	Y	Y	Y	N	N
A15 Warehouse/distribution facility	N		N	N	N	N	N	N	Y	N	Y	Y	N	Y
A16 Wholesale office, salesroom														
a. With storage	N		N	N	N	N	N	Y	Y	Y	Y	Y	N	Y
b. Without storage	N		N	N	N	N	N	Y	Y	Y	Y	Y	Y <sup>3</sup>	Y
A17 Catering	N		N	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y
A18 Function hall	N		N	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y
<b>A19 Agricultural with Poultry, parcel under 5 acres</b>	<b>Y<sup>5</sup></b>		<b>Y<sup>5</sup></b>	<b>Y<sup>5</sup></b>	<b>Y<sup>5</sup></b>	<b>Y<sup>5</sup></b>	<b>Y<sup>5</sup></b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>

NOTES:

1. But N if occupying more than 50% of the floor area occupied by the principal use and not more than five persons employed on the premises in the DC District and CI District and not more than 10 persons in the CII District and O District.
2. Provided that no more than 25% of the total floor space is used for display or retailing.
3. Such uses shall be restricted to seasonal operations only.
4. Accessory retail sales within a Country Store, as defined in §185-3, shall not exceed 50% of the establishment's floor area open to the public.
- 5. Any related structure shall be to the rear of the property's primary building, and at least 25 feet from side and rear property lines.**

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:** \_\_\_\_\_, 2018

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

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

**Teresa M. Burr**  
**Town Clerk**

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

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

---

**Glenn Jones, Clerk**

# Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



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

July 24, 2018

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

## **CERTIFICATE OF VOTE**

Zoning By-law Amendment #18-816

§185 Use Regulations Schedule Parts I and VII, Attachments 2 and 8

**Petitioner:** Town Administration

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, July 23, 2018 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to **RECOMMEND**, *as presented*, to the Town Council the amendment of Zoning By-law #18-815, Use Regulations Schedule Parts I and VII, Attachments 2 and 8.

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

Sincerely,

  
Anthony Padula  
Chairman, Planning Board

cc: Town Council  
Town Administrator  
Deputy Town Administrator

RECEIVED  
2018 JUL 24 P 1:09  
TOWN OF FRANKLIN  
TOWN CLERK



TOWN OF FRANKLIN  
TOWN CLERK  
2018 JUN 25 P 3:08  
RECEIVED

## Town of Franklin



## Planning Board

The following notice will be published in the Milford Daily Newspaper on  
Monday, July 9, 2018 and Monday, July 16, 2018

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In accordance with the provisions of M.G.L. Chapter 40A, Section 5, notice is hereby given that the Planning Board will hold a Public Hearing on July 23, 2018 at 7:10 PM and the Town Council will hold a Public Hearing on August 8, 2018 at 7:10 PM in the Town Council Chambers of the Municipal Building, 355 East Central Street, to consider amending Chapter 185, Use Regulations Schedule Parts I and VII. Requirements of the Code of the Town of Franklin as follows:

### **ZONING BY-LAW AMENDMENT 18-816**

**Changes to §185, Use Regulations Schedule Parts I and VII, Attachments 2 and 8.**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by allowing poultry set back from the side and rear of any structure be a minimum of 25 feet.

Please contact the Department of Planning & Community Development at 508-520-4907 if you require further information or if you need to make arrangements to provide translation services for the hearing impaired or for persons with language barriers.

Anthony Padula, Chairman  
Franklin Planning Board

Matt Kelly, Chairman  
Franklin Town Council

# FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

## MEMORANDUM

**TO:** JEFFREY D. NUTTING, TOWN ADMINISTRATOR  
**FROM:** BRYAN W. TABERNER, AICP, DIRECTOR  
**RE:** ZONING BYLAW AMENDMENT 18-818: MAXIMUM BUILDING HEIGHT  
DIMENSIONAL REGULATIONS  
**CC:** JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR  
AMY LOVE, PLANNER  
**DATE:** JUNE 28, 2018

---

As you know the Economic Development Committee has debated the issue of maximum building heights during its recent meetings. Originally maximum building heights in the Commercial I Zoning District was the main subject of discussion, but other commercial and business Zoning Districts were eventually included. Consensus was reached at their June 20, 2018 meeting; the Committee voted to send the proposed amendments to the full Council for consideration.

DPCD has developed a zoning bylaw amendment related to maximum building heights in the following zoning districts: Commercial I (CI), Commercial II (CII), Downtown Commercial (DC), and Business (B). Below is a summary of current and proposed regulation.

### Current Maximum Building Height By Right

Currently all four zoning districts allow up to 3 stories and a maximum height of 40 feet by-right; no changes are proposed for by-right maximum building height.

### Current Maximum Building Height By Special Permit

Downtown Commercial Zoning District. In the DC zoning district 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.

Commercial I Zoning District. Up to 5 stories and/or 60 feet, whichever is greater, may be permitted by a special permit from the Planning Board.

Commercial II and Business Zoning Districts. A special permit for additional height is not currently an option for development within the Commercial II or Business Zoning Districts.

### Proposed Maximum Building Height By Special Permit

The proposed bylaw Amendment would allow developers to apply for a Planning Board special permit for building heights up to 50 feet in each of the four zoning districts.

In addition, the Zoning Bylaw amendment would eliminate the specific number of stories that may be allowed by special permit in each of the four zoning districts, giving developers/property owners more flexibility with building design.

The chart below provides a summary of proposed changes.

Zoning District	Maximum Building Height Allowed By Right		Maximum Height that <u>May</u> be Allowed by Planning Board Special Permit			
			Current Regulation		Proposed Regulation	
	Stories	Feet	Stories	Feet	Stories	Feet
DC	3	40	4 <sup>1</sup>	50 <sup>1</sup>	NA <sup>4</sup>	50 <sup>5</sup>
CI	3	40	5 <sup>2</sup>	60 <sup>2</sup>	NA <sup>4</sup>	50
CII	3	40	No <sup>3</sup>	No <sup>3</sup>	NA <sup>4</sup>	50
B	3	40	No <sup>3</sup>	No <sup>3</sup>	NA <sup>4</sup>	50

Notes:

<sup>1</sup> 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.

<sup>2</sup> Up to 5 stories and/or 60 feet, whichever is greater, may be permitted by a special permit from the Planning

<sup>3</sup> Special permit for additional height is not currently an option.

<sup>4</sup> Not applicable. The number of stories is not important, only the maximum build height.

<sup>5</sup> Buildings up to 50 feet in height may be permitted by a special permit from the Planning Board provided the structure is set back at least 15 feet from frontage.

#### Why Change Commercial I Regulations?

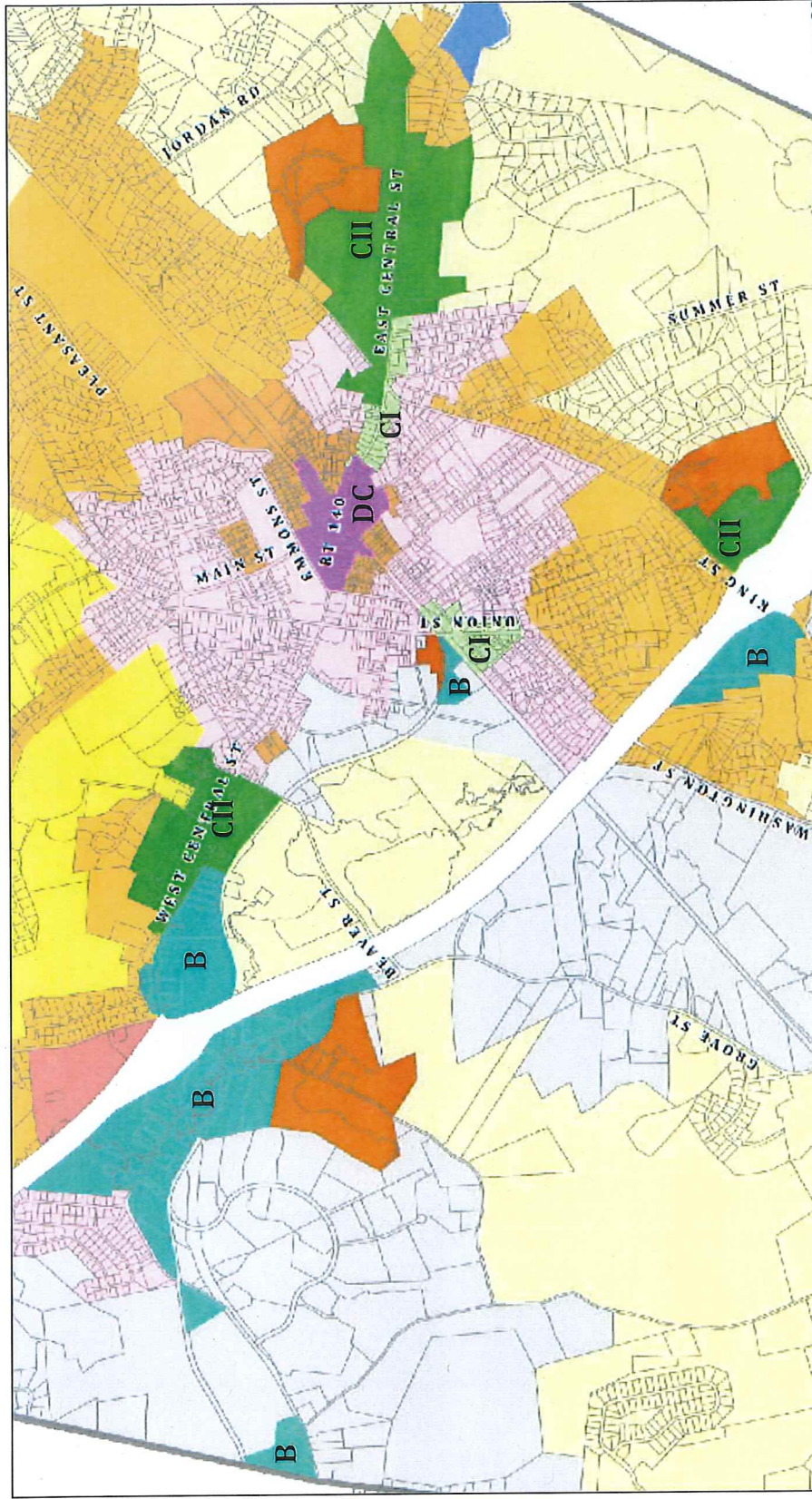
Town staff recommend changing the maximum height allowed by special permit in C1 to 50 feet. The CI Zoning District is generally along Union Street and Cottage Street, as well as on East Central Street near the King/Chestnut Street intersection. The buildings are generally smaller/shorter buildings than in the Downtown area. Having a 60 foot building in these areas would be completely out of character, especially in the Union/Cottage Street neighborhood.

Attached are the following:

- Diagram showing the location of Franklin's commercial and business Zoning Districts;
- Zoning Bylaw Amendment 18-818: Maximum Building Height Dimensional Regulations.

Please let me know if you have questions or require additional information.

# Location of Franklin's Commercial and Business Zoning Districts



	<b>B</b>
	<b>CI</b>
	<b>CII</b>
	<b>DC</b>
	<b>Commercial District</b>

June 28, 2018  
Franklin DPCD



**FOR DISCUSSION**

District	Current Stories By right	Current Height By right	Stories BY SP	Current Height SP	Proposed Change Special Permit	Proposed Ideas
Industrial	3	40	N/A	60		No Change
Downtown C1	3	40	4	50		
Business C2	3	40	5	60	50	The Cake Bar is 38 feet Make same as Downtown
	3	40	N/A		50	Increase height
	3	40	N/A		50	Increase height Municipal building is 37 feet

Business and C2 currently have 3 stories and 40 feet by right. This would change C1, C2 and Business to 50 feet by special permit and eliminate the number of stories by special permit in all zones listed

**Why reduce Height in C1-**

C1 is at generally along Union Street and Cottage Street. The buildings are generally smaller/short buildings Having a 60 foot building in that neighborhood would be completely out of character C1 on East Central from Ruggles to King street on the East side and to Lewis Street on the West side Having buildings higher than in Downtown makes no sense. Most of the structures are two stories A jump to five stories would be out of character

Business Zone is at the Franklin Village Mall and in two locations on the West side of 495 One at exit 16 and the other at exit 17

**Red Final recommendation to be determined by subcommittee**

**TOWN OF FRANKLIN**  
**ZONING BY-LAW AMENDMENT 18-818:**  
**MAXIMUM BUILDING HEIGHT 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 and deletions** 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	
	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 <sup>3</sup>
Rural Residential I	40,000	200	200	180 <sup>4</sup>	40	40	40	3	35	20	25
Residential VI	40,000	200	200	180 <sup>4</sup>	40	40	40	3	35	20	25
Residential VII <sup>11</sup>	40,000	200	200	180 <sup>4</sup>	40	40	40	3	35	20 <sup>12</sup>	25 <sup>12</sup>
Rural Residential II	30,000	150	200	135 <sup>4</sup>	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
Rural Business <sup>13</sup>	40,000	200	200	180	40	30	40	1.5	30	10	30
Downtown Commercial	5,000	50	50	45	5 <sup>10</sup>	0 <sup>2</sup>	15	3 <sup>9</sup>	40 <sup>9</sup>	80	90
Commercial I <sup>7</sup>	5,000	50	50	45	20 <sup>1</sup>	0 <sup>2</sup>	15	<del>3</del> 3 <sup>14</sup>	<del>40</del> 40 <sup>14</sup>	90	100
Commercial II	40,000	175	200	157.5	40	30	30	<del>3</del> 3 <sup>14</sup>	<del>40</del> 40 <sup>14</sup>	70	80
Business	20,000	125	160	112.5	40	20	30	<del>3</del> 3 <sup>14</sup>	<del>40</del> 40 <sup>14</sup>	70	80
Industrial	40,000	175	200	157.5	40	30 <sup>5</sup>	30 <sup>5</sup>	3 <sup>6</sup>	-	70	80
Limited Industrial	40,000	175	200	157.5	40	30 <sup>8</sup>	30 <sup>8</sup>	3 <sup>6</sup>	40 <sup>6</sup>	70	80
Office	40,000	100	100	90	20	30 <sup>5</sup>	30 <sup>5</sup>	3 <sup>6</sup>	40 <sup>6</sup>	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:

<sup>1</sup> But no new structure shall be required to provide a deeper yard than that existing on that parcel upon adoption of this amendment.

<sup>2</sup> Increase to 20 feet when abutting a residential district.

<sup>3</sup> See definition of Upland §185-3, §185-36. Impervious Surfaces and §185-40. Water Resource District.

<sup>4</sup> 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.

<sup>5</sup> Increase by the common building height of the structure, when abutting a residential use.

<sup>6</sup> ~~Buildings up to 60 feet in height Up to 5 stories and/or 60 feet, whichever is greater,~~ may be permitted by a special permit from the Planning Board.

<sup>7</sup> Permitted residential uses must observe requirements of General Residential V District for residential use building only. Mixed use buildings are exempt from this requirement.

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

<sup>9</sup> ~~Buildings up to 50 feet in height Up to 4 stories and/or 50 feet, whichever is greater,~~ may be permitted by a special permit from the Planning Board provided the structure is set back at least 15 feet from frontage.

<sup>10</sup> Minimum 5' setback required on first floor, street level; upper floors can overhang required first floor set back.

<sup>11</sup> See §185-50.

<sup>12</sup> 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.

<sup>13</sup> Maximum gross building footprint of non-residential primary use structures is 3,500 square feet.

<sup>14</sup> Buildings up to 50 feet in height may be permitted by a special permit from the Planning Board.

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:** \_\_\_\_\_, 2018

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

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

**Teresa M. Burr**  
**Town Clerk**

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

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

---

**Glenn Jones, Clerk**





# TOWN OF FRANKLIN

## DEPARTMENT OF PUBLIC WORKS

Franklin Municipal Building  
257 Fisher Street  
Franklin, MA 02038-3026

June 12, 2018

Mr. Jeffrey Nutting  
Town Administrator  
355 East Central Street  
Franklin, MA 02038

**RE: Ridgeview Rd – Water System Extension**

Dear Jeff,

The homeowners at 12 Ridgeview Road have submitted the attached application for a Water System Extension Permit. The application is for a single water service connection to the existing main on Long Hill Road due to problems with their existing well.

Ridgeview Road is a private road with six existing homes that are on private wells. It has been brought to our attention that several of the other neighbors on Ridgeview Road have also been experiencing issues with their wells.

Whereas the existing homes sit at such a high elevation, a traditional water main would require a neighborhood booster pump station that would need to be privately and jointly maintained by the residents of Ridgeview Road. Given the situation, we recommend that each of the six homes be allowed to connect to Town water with individual services and the need for separate booster pumps would then be the responsibility of each individual homeowner.

We believe due to the circumstances, a water map amendment is warranted to provide a reliable source of drinking water to the existing homes on Ridgeview Road. If the Council decides to approve the extension, we recommend the following conditions be attached to the approval:

1. The applicant will need to file all required permits and pay the required fees to the DPW prior to construction/installation of their water service.
2. The applicant shall construct their proposed water service in accordance with DPW standards.

Sincerely,

  
Michael Maglio, PE  
Town Engineer

  
Robert A. Cantoreggi  
Director of Public Works





**TOWN OF FRANKLIN**

**BY-LAW AMENDMENT 18-817**

**AMENDMENT TO WATER SYSTEM MAP**

**A BY-LAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN, CHAPTER 179 § 179-9.1 WATER MAP.**

**BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF FRANKLIN** that Chapter 179 § 179-9.1. Water System Map Exhibit A (Map) be amended by adding as an eligible location the following:

§179-9.1 Water System Map.

Exhibit A:

Extending a 2" waterline from 12 Ridgeview Road for a single water service connection to the existing main on Long Hill Road.

Bylaw shall not become effective until all conditions agreed to between the developer and the DPW are satisfied.

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

**DATED:** \_\_\_\_\_, 2018

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

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

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

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

**A True Record Attest:**

**Teresa M. Burr**  
**Town Clerk**

\_\_\_\_\_  
**Glenn Jones, Clerk**  
**Franklin Town Council**



Town of Franklin  
DEPARTMENT OF PUBLIC WORKS  
257 Fisher Street  
Franklin, MA 02038-3026  
508-553-5500

# WATER SYSTEM EXTENSION PERMIT

Location: 12 Ridgeway Rd  
Tax Map #: \_\_\_\_\_ Lot #: 1B Parcel Number\*: 249-085-000-000  
Owner: Michael + Kristen Fales Phone: 508-838-6173  
Engineer: \_\_\_\_\_ Phone: \_\_\_\_\_

Description of Extension:  
Run a 2" water line from home to connect to water main on Lonsill Rd.  
Line will only service 12 Ridgeway Rd. Pipe will need to run through parcel  
249-084-001-600. Owner has granted verbal easement, upon approval legal easement will be recorded.

Number of Homes:                      Estimated Residential Flow:                      Commercial/Industrial Flow:

new \_\_\_\_\_                       new \_\_\_\_\_                       new ~~\_\_\_\_\_~~

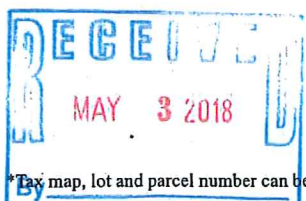
existing 1                       existing \_\_\_\_\_                       existing ~~\_\_\_\_\_~~

### Criteria for Approval

1. Was the water extension shown on a Definitive Plan approved by the Planning Board prior to October 21, 1998?
2. Does extension of the existing water main allow looping of the water system that will improve water flows or pressure to existing residential development?
3. Does the proposed extension improve fire services to existing buildings as required by the fire protection or building codes?
4. Does the proposed extension provide water service to existing residences that have lost water supply due to ground water contamination?
5. Is the proposed extension a minor extension associated with pipe replacement work as part of a road reconstruction project?
6. Does the extension serve facilities and residences at an elevation of less than 390 feet (MSL)?

Owner's explanation as to why the request meets or exceeds criteria:  
Hardships - well is 600' deep, not providing enough water during June-Sept  
to run home due to water table drop + demand.  
Home meets #6, above

\_\_\_\_\_  
Owner's Engineer (signature)                      [Signature]  
Owner (signature)



\*Tax map, lot and parcel number can be found at the Assessor's Office (508-520-4920) or online at <https://www.axisgis.com/franklinma/>



# OFFICE OF THE TOWN ADMINISTRATOR

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## MEMORANDUM

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**DATE:** July 23, 2018  
**TO:** Town Council  
**FROM:** Jeffrey D. Nutting, Town Administrator  
**RE:** Parking in Downtown

---

After two neighborhood meetings with residents of West, East, Union, Nason, and Church Ave, etc. We are recommending that the parking restrictions be expanded as outlined in the proposed map. No parking on one side of some streets and 2 hours parking 6 AM to 10 AM in other areas. This will allow the neighborhood to have consistent parking regulations.

Further we have striped spaces in the neighborhood to ensure that the folks can get out of their driveways, the trash can get pick-up and the cars are not parked too close to curbs.

We are hopeful the stripe space, expanded parking regulations and the changes made by Dean College will improve the parking problem in the neighborhood.

We will monitor the parking and if further actions are required we will advise the Council.

**Cc:** Thomas Lynch, Police Chief  
Robert Cantoreggi, Public Works Director



Sponsor: Administration

**TOWN OF FRANKLIN  
BYLAW AMENDMENT 18-819  
CHAPTER 170, VEHICLES AND TRAFFIC**

**A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 170, VEHICLES AND TRAFFIC AT ARTICLE IV, STOPPING, STANDING AND PARKING, §170-15 PARKING PROHIBITIONS AND LIMITATIONS D. PARKING PROHIBITED.**

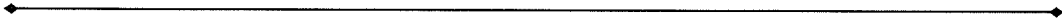
**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL** that Chapter 170 of the Code of the Town of Franklin Vehicles and Traffic, Article IV, Stopping, Standing and Parking, §170-15 Parking Prohibitions and Limitations D. Parking Prohibited is hereby amended as follows:

§170-15 Parking prohibitions and limitations.

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

- A. Upon streets or parts thereof where such a prohibition is posted.
- B. At bus stops, except buses, and no person shall park a bus within a business district at any place other than a bus stop when a nearby bus stop is available.
- C. At taxicab stands, except taxicabs, and no person shall park a taxicab upon any street within a business district at any place other than the taxicab stand or stands designated for the use of this taxicab or taxicabs, except while engaged or while waiting for an opportunity to use a taxicab stand designated for his use.
- D. Parking prohibited.
  - (1) Downtown Parking District: Boundaries are those contained on map captioned "Downtown Parking District" prepared by Town of Franklin Engineering Department ~~dated July 13, 2016~~ **and created July 13, 2016 and revised July 31, 2018** on file with the Town Clerk, a copy of which is appended hereto as "Attachment 1"; prohibitions and limitations on streets contained within the district are shown on said map.

This bylaw amendment shall become effective according to the provisions of the Franklin Home Rule Charter.



DATED: \_\_\_\_\_, 2018

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

A True Record Attest:








Teresa M. Burr  
Town Clerk

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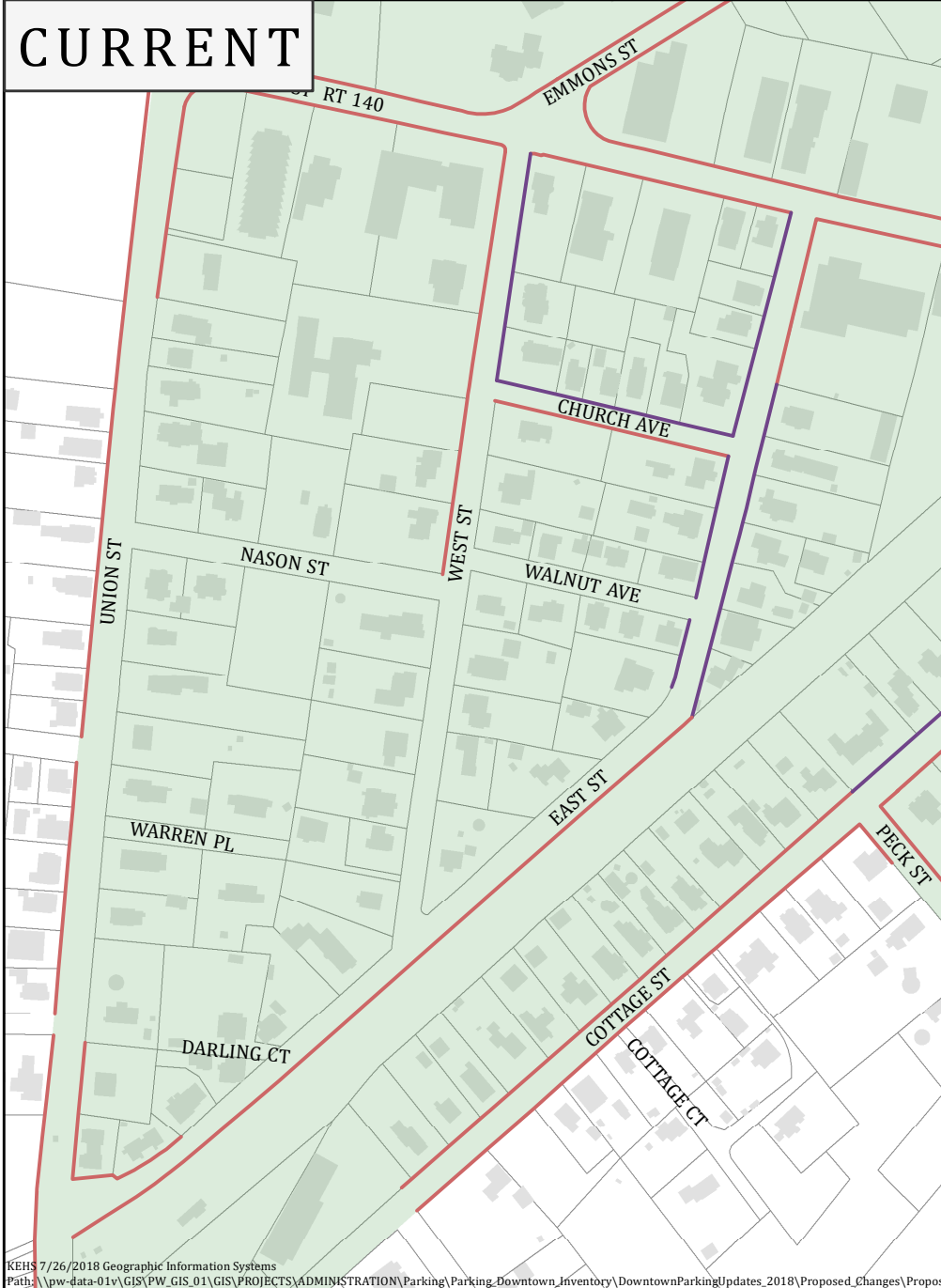
Glenn Jones, Clerk  
Franklin Town Council

# Proposed Downtown Parking District Changes

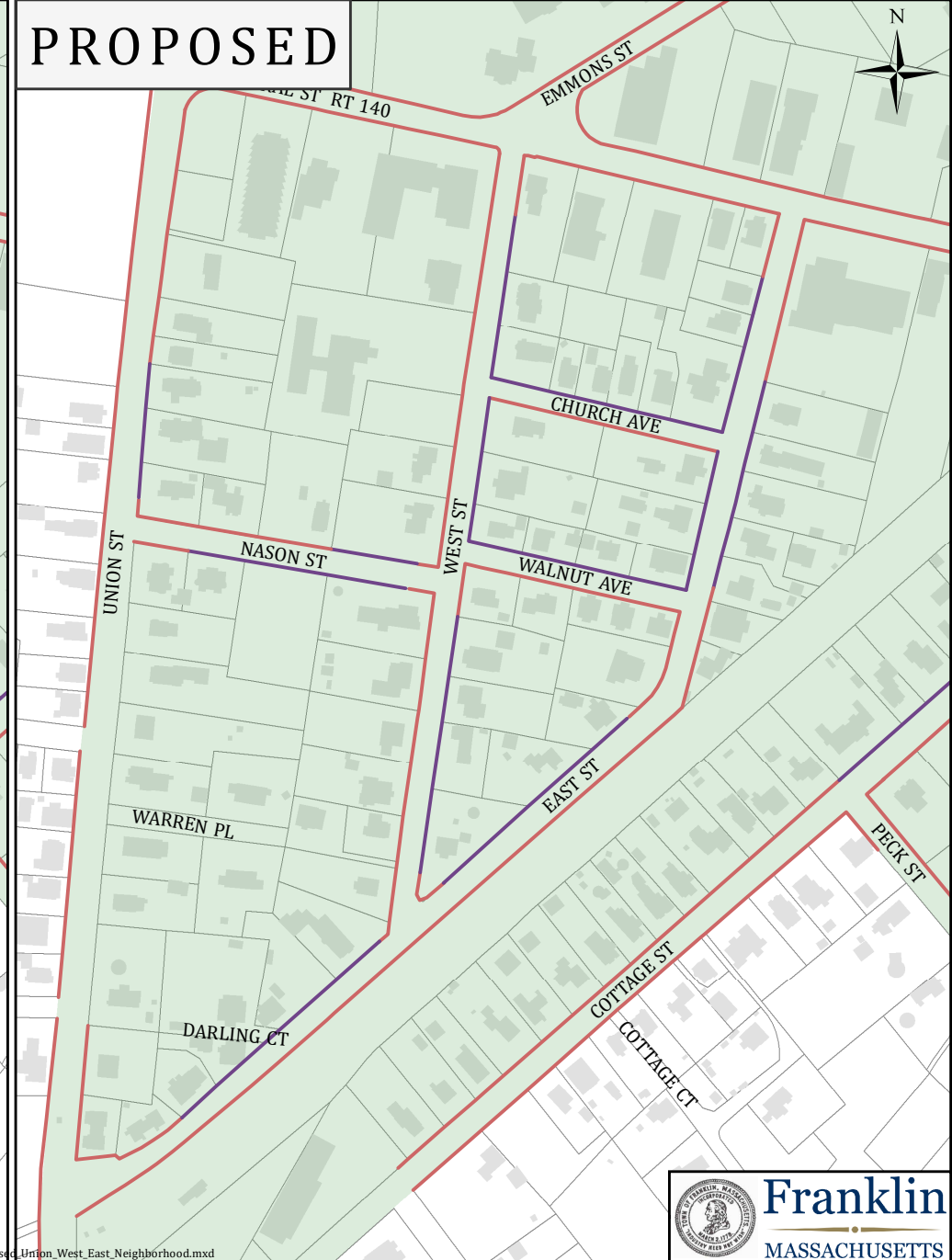
0 62.5 125 250 375 500 Feet

-  Merchant Permit 6am-2pm, M-F
-  2 HR 6am-10am, M-F
-  2 HR 8am-2pm, M-F
-  No Parking
-  Downtown Parking District
-  Building
-  Parcel

## CURRENT



## PROPOSED





# DOWNTOWN PARKING DISTRICT

## Parking Zones On Public Ways\*

- Merchant Permit 6am-2pm, M-F
- 2 HR 6am-10am, M-F
- 2 HR 8am-2pm, M-F
- No Parking

- Handicapped Parking
- Loading Zone
- Downtown Parking District
- Building
- Parcel

\*All parking zones are subject to local bylaw §170-14, including, but not limited to, no parking within 20 feet of any intersecting way or 10 feet of a fire hydrant.

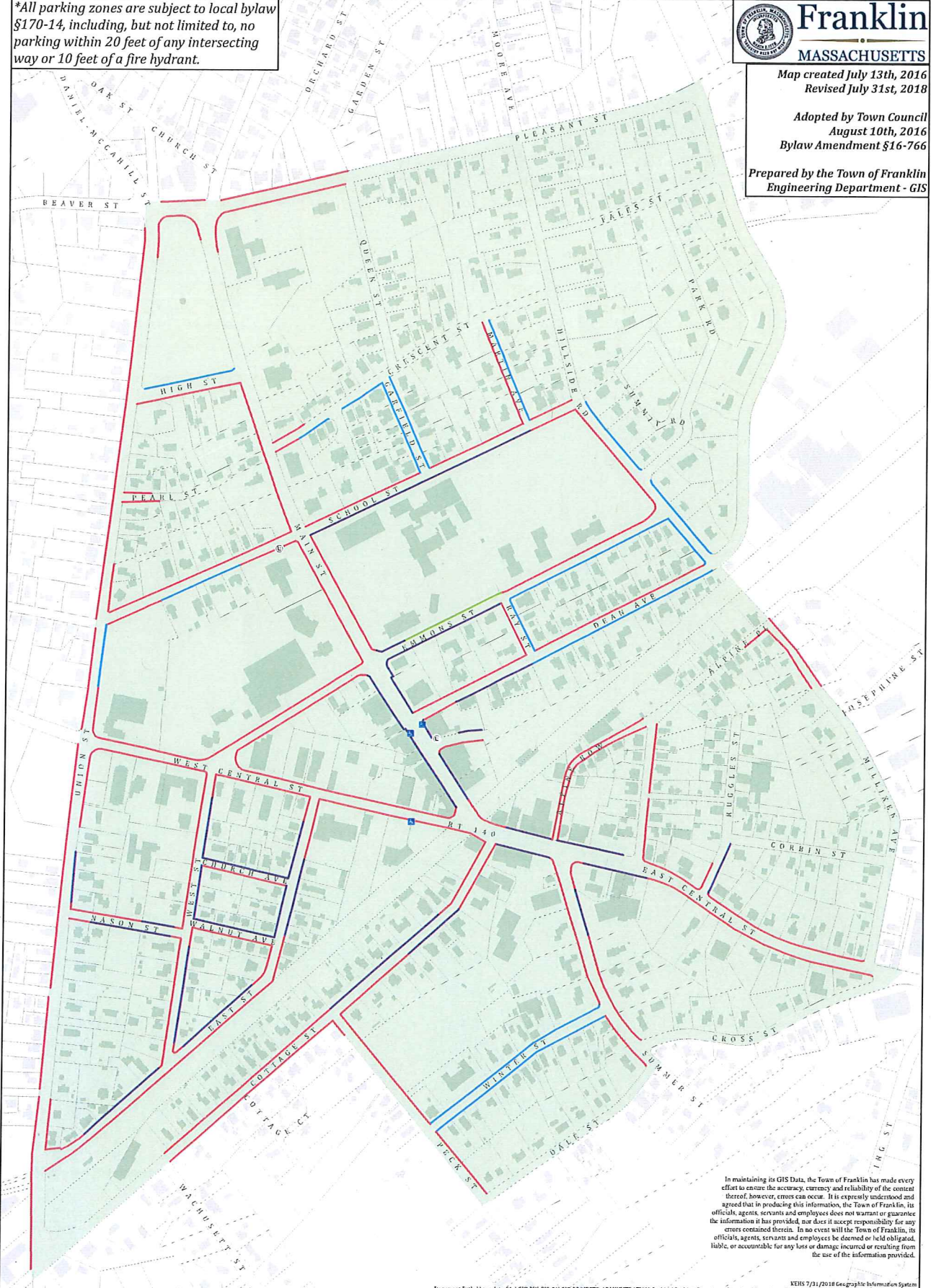
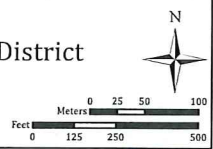


**Franklin**  
MASSACHUSETTS

Map created July 13th, 2016  
Revised July 31st, 2018

Adopted by Town Council  
August 10th, 2016  
Bylaw Amendment §16-766

Prepared by the Town of Franklin  
Engineering Department - GIS



In maintaining its GIS Data, the Town of Franklin has made every effort to ensure the accuracy, currency and reliability of the content 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.