

Economic Development Subcommittee Meeting
Agenda & Meeting Packet
March 3, 2021
5:45 PM

Meeting will be held **REMOTE ONLY VIA the “ZOOM” Platform**

A NOTE TO RESIDENTS: Due to the continued concerns regarding the COVID-19 virus and Governor Baker's declared State of Emergency, we will be conducting a remote/virtual EDC Meeting for all public access and participation. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number (Cell phone or Landline Required) OR citizens can participate by clicking on the attached [link](#) (Phone, Computer, or Tablet required). The attached link and phone number will be active for the duration of the meeting for citizens to ask questions/voice concerns. If residents are just interested in watching the meeting it will also be [live-streamed by Franklin TV](#) and shown on Comcast Channel 11 and Verizon Channel 29.

- **Link to access meeting:** March 3rd EDC Meeting Link [HERE](#) -- Then click “Open Zoom”
 - Or copy and paste this URL into your browser: <https://us02web.zoom.us/j/81977259934>
 - **Call-In Phone Number:** Call **1-929-205-6099** & enter 81977259934 then press #

Agenda:

1. Tasting Room bylaw proposal
2. Franklin Business Guide (Draft Attached)
3. Food Trucks materials update

This is a meeting of the Franklin Town Council Sub-Committee; under the Open Meeting Law, this subcommittee is a separate "public body" from the Town Council. Therefore, unless the Town Council has separately noticed and posted its own meeting, Councilors who are not members of this subcommittee will not be permitted to speak or otherwise actively participate @ this meeting, although they may attend and observe. This prohibition is necessary to avoid the potential for an Open Meeting Law Violation

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

355 EAST CENTRAL STREET, ROOM 120
FRANKLIN, MA 02038-1352

TELEPHONE: 508-520-4907
FAX: 508-520-4906

MEMORANDUM

TO: JAMIE HELLEN, TOWN ADMINISTRATOR
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: PROPOSED BYLAW AMENDMENT – TASTING ROOM DEFINITION
DATE: FEBRUARY 19, 2021
**CC: MARK CEREL, TOWN ATTORNEY; GUS BROWN, ZONING ENFORCEMENT;
AMY LOVE, TOWN PLANNER; CRISSY WHELTON, ASSISTANT TO THE
TOWN ADMINISTRATOR**

In June 2017 Franklin Town Council approved three Zoning Bylaw amendments that collectively allow a brewery, distillery, or winery that holds a Farmer Series Pouring License to have a Tasting Room. One of the amendments, Zoning Bylaw Amendment 17-788, added a definition for a "Tasting Room" in Section 185-3 Definitions of Franklin's Town Code.

It has come to the attention of the Town Administrator, Building Commissioner, Economic Development Committee, and the Department of Planning and Community Development that the definition of Tasting Room in Section 185-3 has created problems for at least one business in Franklin. In addition, the Tasting Room definition has impeded the efforts of others from starting a Farmers Series brewery, distillery, or winery; without changes to the definition this will likely continue in the future. The current Tasting Room definition is as follows:

TASTING ROOM: A room attached to a brewery, distillery, or winery that allows patrons to sample or consume wine, beer, or other alcoholic beverages that are produced on-site in accordance with M.G.L. c. 138. A tasting room may not be greater than twenty-five (25) percent of the main building's gross square footage.

Tasting Room Size Restriction. The problem identified with the definition is the restriction on size of a Tasting Room. Limiting a Tasting Room to 25 percent of the main building's gross square footage was similar to Franklin's limitation on retail uses in any manufacturing facility. The primary use is manufacturing (in this case *brewery, distillery, or winery*); the accessory use (limited to 25%) is display and sale of product manufactured on site. Treating a Tasting Room as a normal accessory to manufacturing use is our problem.

While working on development of the above mentioned Zoning Bylaw Amendments and Tasting Room definition, Town staff did a substantial amount of research on the Zoning requirements and restrictions of other communities that allow Farmer Series Pouring Licenses. Franklin's Zoning Bylaw requirements for Tasting Rooms are very similar to those of other communities researched in 2017. Limiting Tasting Rooms by maximum percentage of the whole facility is fairly common, although limiting Tasting Rooms to 33% was more common than 25%.

Town staff originally proposed limiting Tasting Rooms to 33% of the main building's gross square footage, but during the Planning Board public hearing the Board recommended changing to 25%, as that was the norm for accessory uses to manufacturing facilities. The zoning amendment was revised to 25% and approved by Town Council.

There is a substantial difference between a Tasting Room and uses that are normally accessory to manufacturing facilities. Normally a manufacturer's accessory display and retail/wholesale sales area is relatively small in comparison to the manufacturing area. With a brewery, distillery, or winery, the non-manufacturing area is substantially more than a display area and counter for sales.

In addition to selling malt, spirituous, or vinous beverages by the bottle to consumers for off premises consumption, a Commonwealth of Massachusetts issued Farmer Series Pouring License, once approved by the Local Licensing Authority, allows alcoholic beverages produced by the manufacturer to be consumed on the premises. Therefore the size of the Tasting Room needs to include areas for customers to sit or stand and drink the manufacturer's beverages. It has also become common practice for customers to bring their own food, or contact a local restaurant for delivery, in which case customers are in the building for good lengths of time. In addition, the facility is allowed to host marketing events, special events, and factory tours.

By limiting the percentage of building square footage, businesses may not be able to buildout the size and type Tasting Room that works best for a specific location. It was never the intent of the Town's 2017 Zoning Bylaw Amendments to make it difficult for individuals wishing to start a Farmers Series brewery, distillery, or winery to have a Tasting Room that is not big enough for a business to prosper; this does appear to happen in some cases.

All this is to say a Tasting Room, although an accessory use to the primary beverage manufacturing use, may need to be substantially larger than 25% (or even 33%) of the building's size. The exact percentage of total building square feet does not appear to be the best way to regulate the accessory use.

DPCD recommends the Tasting Room definition be amended by making two changes:

1. Delete the following sentence: "A tasting room may not be greater than 25% of the main building's gross square footage".
2. Add in its place the following sentence: "A tasting room is an accessory use to the primary brewery, distillery, or winery use".

The Tasting Room accessory use would continue to be regulated as it is currently; the only difference is there would be no specific percentage restriction on the Tasting Room's size. A Planning Board special permit would be required. The Board can require changes to the applicant's proposed plans in a variety of ways, including separating the manufacturer and Tasting Room entrances and public access; limiting the number of seats based on Building, Engineering and Health Departments' input and related regulations; requiring sufficient parking; and or other restrictions specific to each sites individual characteristics.

DPCD staff believe it is in the community's best interest to amend the Tasting Room definition. Attached is a draft Zoning Bylaw Amendment for review and consideration. Please let me know if you have questions or require additional information.



SPONSOR: *Town Administration*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 21-8XX
DEFINITIONS. TASTING ROOM**

**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** and ~~**deletions**~~ to §185-3 Definitions:

TASTING ROOM: A room attached to a brewery, distillery, or winery that allows patrons to sample or consume wine, beer, or other alcoholic beverages that are produced on site in accordance with M.G.L. c. 138. ~~**A tasting room may not be greater than 25% of the main building's gross square footage.**~~ **A tasting room is an accessory use to the primary brewery, distillery, or winery use.**

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: _____, 2021

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

**Nancy Danello
Deputy Town Clerk**

ABSENT _____

RECUSED _____

**Glenn Jones, Clerk
Franklin Town Council**

Town of Franklin **Business Guide**



www.franklinma.gov



Welcome to Franklin!

On behalf of the Franklin Town Council, Town Administrator, Departments, Staff, and our community, we welcome you to our wonderful town! We are thrilled that you have chosen Franklin as the location of your business/organization and we are here to work with you along the way. Starting your new business adventure or development plan is certainly exciting, but can also be filled with questions and concerns. Getting started on the right track saves valuable time and resources. Our goal is to help to make the process of opening, growing, or relocating your business as stress-free as possible! We take pride in our customer service and will do whatever we can to support you in your endeavors.

Our Town Council Economic Development Committee is dedicated to assisting our business community. As a municipality, we have taken important steps toward growth and economic development. We are actively recruiting new businesses to put down roots in our town and we are taking the necessary steps to both retain and help support our existing businesses.

Most recently, the Town of Franklin conducted a Market Study in conjunction with MAPC, which provides detailed insights into our local and regional economies and strategies for continued growth and development. Recent demographics, housing, and industry information can also prove helpful as you move through the process.

We hope this guide provides business owners and developers with the information, contacts, and guidance necessary to successfully open a thriving business in Franklin!



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Contacts

Town Administration

Jamie Hellen - Town Administrator
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508-520-4887
Cell: 508-570-8051

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Administrator
cwhelton@franklinma.gov
508-553-4885

Planning Department

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btaberne@franklinma.gov
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jdellmore@franklinma.gov
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Police Department

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tlynch@franklinma.gov
508-528-1212 (Office)
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Building & Inspections Department

Lloyd "Gus" Brown - Building Commissioner &
Zoning Enforcement Officer
gbrown@franklinma.gov
508-520-4926 (Office)
508-520-4855 (Direct)

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Town Clerks Office

Nancy Danello - Acting Town Clerk
ndanello@franklinma.gov
508-520-4900

Fire Department

James McLaughlin - Fire Chief
jmclaughlin@franklinma.gov
508-520-2323 (Office)
508-520-5570 (Direct)

Department of Public Works

Robert Cantoreggi - Director
rcantoreggi@franklinma.gov
508-553-5500

Mike Maglio - Town Engineer
mmaglio@franklinma.gov
508-520-4910

Doug Martin - Water & Sewer Superintendent
dmartin@franklinma.gov
(508) 520-4910

Town Offices

Franklin Municipal Building

355 East Central Street
Franklin, MA 02038

Monday 8:00am - 4:00pm
Tuesday 8:00am - 4:00pm
Wednesday 8:00am - 6:00pm
Thursday 8:00am - 4:00pm
Friday 8:00am - 1:00pm



DPW Administration Building

257 Fisher Street
Franklin, MA 02038
508-553-5500/508-520-4910



Franklin Fire Department

40 West Central Street
Franklin, MA 02038
508-528-2323



Franklin Police Department

911 Panther Way
Franklin, MA 02038
508-528-1212

Why Franklin?

The Town of Franklin is well-known in the Metrowest region for providing a high quality of life to its residents and is an ideal setting for business. Franklin's location on route 495 provides easy access to major hubs as well as public transportation. Our community is home to not only a highly ranked public school system but also a regional charter school, a vocational-technical school, and many preschools and daycare facilities. Dean College, located in the heart of Franklin's downtown, rounds out our vast educational offerings.



A town with historical significance, Franklin is named after founding father, Benjamin Franklin and is home to the nation's first public library, one of the many venues in town offering a wide variety of free programming and services to all ages. Franklin's beautiful four-acre Town Common hosts weekly farmer's markets, festivals, and concerts for

residents to enjoy. Our plazas and downtown districts offer many restaurants, shops, and amenities. Franklin prides itself on its recreational facilities, including playgrounds, turf fields, sports courts, ball fields, hiking trails, and a dog park. A community that embraces and celebrates culture, history, and the arts, Franklin was recently awarded Cultural District status. Points of interest include our sculpture park, our historical museum, and a downtown theatre.

Franklin's low tax rate and high-quality public infrastructure are a large draw to our friendly community and add to its appeal. Residents are typically bursting with pride over their hometown and are quick to share information and favorite spots.

The Town of Franklin offers that hard-to-find balance of convenient location, cost of living, high-quality education, amenities, and a sense of community. We hope you enjoy our wonderful town as much as we do!

Economic Development

COMING SOON:

This page will be populated with information about TIF's, incentives, programming and the MAPC study.

Where to Begin

Any new business and/or development will first need to determine if the proposed location meets the Zoning requirements. **Chapter 185 of the Town Code** outlines use regulations. Follow the links below to determine zoning compliance for your particular project. If your project DOES NOT comply, you will need to file for a variance or special permit. (See next page)

Zoning 185 Attachment 2

Agriculture, Horticulture, Floriculture, Produce, Garden Center, and other related uses

Zoning 185 Attachment 3

Restaurant, Bar, Office, Animal care, Retail, Motor vehicles sales/service, Manufacturing, incubator/maker space, hotels, off-street parking and other related uses

Zoning 185 Attachment 4

Manufacturing, Biotechnology, Solar, Utility, Industrial, Printing, Warehouse, Landscape, Tasting Rooms and other related uses

Zoning 185 Attachment 5

Hospital, Education, Religion, Museum/gallery, Corrections, Cemetery, Charitable, library or other related uses

Zoning 185 Attachment 6

Recreational, Golf, Theater, Health Club, amusement, Equestrian or other related uses

Zoning 185 Attachment 7

Residential, Multi-family, Apartments, New, Conversions, and other related uses

Zoning 185 Attachment 9

Lot, Area, Frontage, Yard, and Height requirements for specific zoning districts

Zoning 185 Attachment 10

Signage for business, freestanding, canopy/awning, construction, political, public use, safety and all other signage

If your business type is an allowed use within the Zoning code, you do not need a variance or special permit. Please contact the Building Commissioner and Zoning Enforcement Officer, Gus Brown, with any questions at 508-520-4926

Variances & Special Permits

What is a variance/Special Permit?

A variance or Special Permit is a waiver that allows a property owner to use their property in a manner that deviates from the local zoning laws.

Who needs to apply for a variance or special permit?

An applicant needs a variance or special permit when the use or setback requirements fall outside of the zoning bylaws. (Please review [Zoning Code](#) links on the previous page)



What is the process of obtaining a variance or special permit?

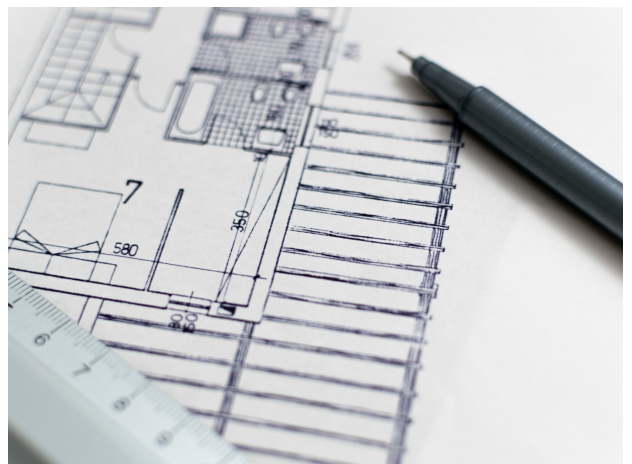
An applicant needs to seek a determination from the Building/Zoning Enforcement Officer on the applicability of the Zoning Code in reference to the applicant's project. The [application](#) is available on our website. Once the application is submitted and reviewed, a hearing will be scheduled by the Building and Inspections Department.

Who approves a variance and is there an appeal process?

The Zoning Board of Appeals reviews and approves variances and Special Permits. If the applicant's request is denied, there is an appeal process, which is 20 days.

Variance & Special Permit forms (Click to access each form)

- **Abutter's List**
- **ZBA Application**
- **Zoning Review**



Application, Permit & License Chart

The chart below indicates which departments you may need to be in contact with in order to obtain the necessary approvals, permits, licenses, and certificates. While we cannot list each possible business type individually, the chart below details the most frequently requested information.

BUSINESS TYPE	TA	TC	HD	BD	PL	PD	FD
Restaurant	✓	✓	✓	✓		✓	✓
Liquor Store	✓	✓	✓	✓		✓	✓
Auto Dealer	✓	✓		✓		✓	✓
Winery, Brewery, Distillery	✓	✓	✓	✓	✓	✓	✓
Food Market/Bakery	✓	✓	✓	✓			✓
Retail Store		✓	✓	✓			✓
Inn/Hotel/Motel	✓	✓		✓	✓		✓
Body Art/ Tattoo		✓	✓	✓			✓
Biotechnology		✓	✓	✓	✓		✓
Manufacturing		✓	✓	✓			✓
Grow and/or Retail Marijuana	✓	✓		✓	✓	✓	✓
Animal Care		✓	✓	✓			✓
Salons, Spas & Manicurists	✓	✓		✓			✓
Mobile Food Truck			✓	✓			✓
All Other Business Types	Please check with all Departments for information						

TA-Town Administration, **TC**-Town Clerk, **HD**-Health Dept, **BD**-Building Dept,
PL-Planning Board, **PD**-Police Dept, **FD**-Fire Dept.

Tech Review

What is Tech Review?

The Technical Review Committee meets weekly on Wednesdays at 3 PM; members include:

- Building Commissioner
- Town Planning Director
- Police Chief
- Town Engineer,
- Board of Health Director
- Conservation Agent
- Fire Chief
- Town Administrator
- Town Attorney.



These inter-departmental meetings serve as a way for relevant Town Departments to meet with developers to work out technical issues and provide advice and assistance to help developers through the permitting process in preparation for Board meetings.

Who should attend Tech Review?

Typically a business owner or possible business owner would first reach out to the Building, Planning, or Administration departments with their ideas or questions.



Then staff, if they feel relevant, would recommend attending Tech Review. Existing Business owners may go if they have specific changes to their business that may involve zoning, building, or conservation. The meeting is informal and provides an open dialog for all participants.

For questions regarding Tech Review please contact the Planning and Community Development Office at 508- 520-4907

Site Plan Review

What is Site Plan Review?

Site Plan Review is a comprehensive review of proposed projects that may have significant impacts on traffic, municipal and public services, utilities, environmental quality, community economics, and community values.

When is Site Plan Review required?

Site Plan review is required for new construction, additions or remodels that add at least 600 square feet of impervious surface to a new or existing facility. It is also required for a change in facility use.

How do I know if I need to file a site plan?

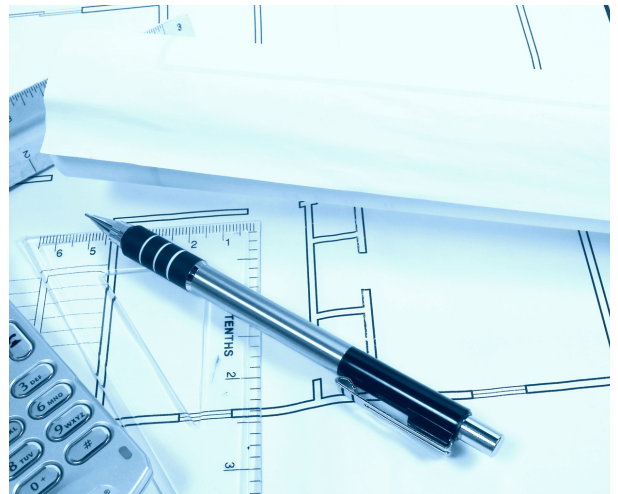
A Site Plan is required in certain projects based on **Town Code Chapter 185-31**. Builders or Developers should reach out to the Building Commissioner/Zoning Enforcement Officer to determine whether or not their project requires a site plan.

What is the process?

Hard copies of the Site Plan must be submitted to the Planning Board via email to alove@franklinma.gov along with any necessary PDFs, including a copy of the payment of application fee(s). The Planning Board reviews and schedules a Public Meeting to review the Site Plan. The process may take 3 - 6 months, depending upon the size of the project. The application can be found online.

Who approves a Site Plan and is there an appeal process?

A Site Plan is reviewed during a public hearing by the Town of Franklin Planning Board, who ultimately decided if the plan is approved or not. There is not an appeal process.



Design Review Commission

What is the Design Review Commission?

The Design Review Commission (DRC) is a committee of Citizen Volunteers that has approval authority on signage and recommendation input to the Planning Board on Site Plans as to landscaping and lighting and Building Plans as to exterior design, colors, and materials.

The purpose of Design Review is to promote safe, functional, and attractive development of business and commercial areas; to preserve and enhance the New England character of the Town's commercial centers and thoroughfares as a valid general welfare concern; to unify commercial properties, both visually and physically, with surrounding land uses; to facilitate a more healthful urban atmosphere; to protect and preserve the unique and cultural features within the Town, and to protect commercial property values by enhancing the Town's appearance. [Find the Town of Franklin Design Review Guidelines here.](#)

Who needs to apply to the Design Review Commission?

Owners of businesses, properties, or buildings located in any Commercial I, Commercial II, or Business Zoning District will need DRC review for any of the following: New Construction, Additions, Alterations or Renovations, including but not limited to new or existing signage.

[Find Sign Guidelines here](#)



What is the process?

1.) [Fill out a Design Review Application](#) and send to the DRC via email or hardcopy. Applications are due at the close of business on the Wednesday prior to the next meeting. There are no fees. [Find the DRC Meeting schedule here.](#)

2.) The applicant presents their design plan to the Design Review Commission and typically receives a decision at the first meeting.

Building Permits

What is a Building Permit?

Building Permits are issued by the [Building & Inspections Department](#) to licensed contractors and owners to allow construction work to take place.

What type of work requires a Building Permit?

Building permits are required to construct, reconstruct, alter, repair, remove or demolish a building or structure. Permits are required for plumbing, electrical, and HVAC projects. We encourage all homeowners and contractors to reach out to the Building Department prior to any project to ensure proper permitting. This will help prevent delays and work stoppages from occurring. [Find a list detailing permit/contractor requirements here](#)



What type of work DOES NOT require a Building Permit?

Painting, tiling, and other finish work typically does not require permitting, however, checking with the building department is advised.

How do I obtain a Building Permit?

[Building Permits are available online.](#) In certain cases, such as special permit approval and Fire Department Approval, a building permit will not be issued until other approvals are obtained. Please see Tech Review.

What fees are involved in obtaining a permit?

Fees vary depending upon the scope of work being performed. [Find our most current fees posted online](#)

Do permits expire?

Permits expire one year after being issued. An extension may be granted for an additional 6 months if necessary. All extensions must be approved by the Building Department.

Are inspections required?

Yes, inspections are required either periodically and/or once all work is completed. If a Certificate of Occupancy is required, a final inspection must occur in order for the certificate to be issued prior to the building being occupied.

Business Certificates

What is a Business Certificate?

A business certificate is the registration of a business that is being conducted and is located in the Town of Franklin. It is commonly referred to as a DBA or "Doing Business As" certificate. A business certificate essentially creates a public record of the name and address of the owner(s) of a business.

Who must file for a Business Certificate?

According to MGL, Chpt 110,5 any person conducting business in the Commonwealth under any title or business name other than the real name of the person conducting the business, whether individually or as a partner must file in the Town Clerk's Office in the municipality where the business is conducted. Any corporation doing business in a name other than its corporate name must also file.

Who doesn't have to file for a Business Certificate?

According to MGL Chpt. 110, section 6, a business certificate is NOT required if a corporation is doing business in its true corporate name, or if a partnership is doing business under any title which includes the true surname of any partner.



How do I file for or renew a Business Certificate?

Business Certificate applications are available online. The fee is \$40 and it must be renewed every four years. An approved business verification form is required from the Building Commissioner, prior to application.

What if I close or relocate my business?

You should notify the Town Clerk's office in writing upon the termination of a business or if you are relocating your business outside of Franklin.

What happens if I do not obtain or renew my Business Certificate?

The requirement to file a business certificate is state law (MGL chapter 110, sect. 5).

Violators of the provisions shall be subject to a fine of not more than three hundred (\$300.00) dollars for each month during which said violations continues.

Establishment Licenses

What is an establishment license?

An Establishment License is issued by the [Health Department](#) and is required to ensure compliance with health codes. A business that needs an Establishment License must obtain one and keep it in good standing in order to operate their business.

Who needs an establishment license?

Establishment Licenses are required for any business that handles, sells, or serves food, drinks, tobacco, candy, etc... Examples include restaurants, diners, caterers, Inns, Food Trucks, and Food Markets.

Specific Establishment Licenses are required for businesses such as Tanning, Body Art, Tattoo and Body Piercing businesses, Recreational Camps, as well as dumpster use. Temporary Food Vendor Applications are also available, if applicable.



How do I obtain an establishment license?

[Establishment License applications are available online.](#) Please make note of application deadlines. In many cases, applications must be received at least 30 days prior to the opening/event date.

What are the fees?

Fees vary depending upon the type of license(s) required. Please find our [list of fees](#) posted online by the Health Department.

Will there be an inspection?

Yes, the Health Department will inspect the facility prior to issuing an Establishment License and may conduct periodic inspections to ensure compliance.

Alcoholic Beverage Licenses

What is an Alcoholic Beverage License?

An Alcoholic Beverage License is required for any establishment that handles, serves, stores, distributes, delivers or sells any type of alcoholic beverage.



What are the different types of licenses?

Different licenses are required for different types of businesses. The Town of Franklin and the ABCC (Alcoholic Beverages Control Commission) currently offers the following types of licenses:

- Section 12 On-Premise Beer & Wine Only (\$1,500/year)
- Section 12 On-Premise All Alcohol (\$2,500/year)
- Section 15 Off-Premises Beer & Wine Only (\$1,500/year)
- Section 15 Off-Premises All Alcohol (\$2,500/year)
- Section 19 Farmer Series (\$250/year)

How do I obtain an Alcoholic Beverage License?

The process is different depending upon the type of license sought. Some licenses have caps on the number that be issued. **The Town of Franklin has unlimited On-Premise Licenses available and unlimited Farmer Series Licenses.** If you are seeking an Off-Premises License, you should contact the Town Administrator's Office to determine availability.

- You must fill out an application with BOTH the Town of Franklin and the ABCC. Town of Franklin Applications are available online. ABCC Applications are also available online.
- The application is reviewed by the Town Administrator, who sends it to the Town Clerk, Building Department, Fire Department, Health Dept, & Treasurer/Collector's Office for approvals
- Once approved a hearing date is set, Abutters notification and Advertisements are made.
- As the local licensing authority, Town Council needs to approve the application.
- Once approved, it is sent to the ABCC for their approval and then License is issued.

Opening a Business

The Town of Franklin prides itself on its support for local businesses, economic growth, and entrepreneurship. There are countless types of businesses located in our municipality, from large-scale biotechnology to small-scale retail locations. We encourage all business owners and developers to reach out to our Departments to learn more about the zoning requirements, and/or licensing, permitting, and certificates needed for their specific plan. We are happy to point you in the right direction and make sure you understand all of the processes that may be involved. Depending upon the type of businesses you are opening or the development you are planning, you may need to work with the following Departments:

- **Town Administrator**
- **Town Clerk**
- **Health Department**
- **Planning Department**
- **Building & Inspections Department**
- **Police Department**
- **Fire Department**



Opening a Restaurant

The Town of Franklin welcomes new restaurants to our already exciting assortment of local flavors! If you plan to open a new restaurant in our town you will need to work with a number of town departments and will need a specific set of licenses and permits.

- **Town Administrator:** Common Victualler Restaurant and /or ABCC Application
- **Town Clerk:** Business Certificate
- **Health Department:** Food establishment permit/plan review
- **Building Department:** Permits are needed for new construction or remodel as well as Zoning approval for signage
- **Police Department:** Manager background check
- **Fire Department:** New and modified fire suppression/detection systems



Opening a Retail Store

The Town of Franklin embraces new retail establishments with excitement! Our community enjoys spreading the word about a new business, and is eager to find out what new items, goods or services will soon be available! Franklin is well-known for its strong Shop Local mentality, supported by many local business organizations. Be sure to reach out to groups such as the Downtown Partnership for local support and guidance.

- **Town Clerk's Office**: Business Certificate
- **Health Department**: Food permit and/or tobacco permit
- **Building Department**: Permits are needed for new construction or remodel as well as Zoning approval
- **Fire Department**: New and modified fire suppression/detection systems



Opening a Manufacturing Facility

The Town of Franklin is home to many manufacturing facilities, including Tegra Medical, Cold Chain Technologies, and Contollo Manufacturing. All three of these businesses received Manufacturer of the Year Awards in 2020. Our Town Departments work closely with our local manufacturers to help them grow and scale, no matter the product. If you are looking to open a manufacturing business in Franklin, you will need to work with the following departments:

- **Town Clerk's Office**: Business Certificate
- **Health Department**: License is required for food manufacturing facilities
- **Building Department**: Permits are needed for new construction or remodel as well as Zoning approval
- **Fire Department**: New and modified fire suppression/detection systems, Flammable/Combustible Liquid Storage



Opening a Food Market/Bakery

Our community is home to a wide variety of Food Markets, from large supermarkets to small niche shops. Our diverse population enjoys having many options in town that would appeal to different age groups and appetites. If you are looking to open a food market in Franklin, there are a number of permits and licenses you will need to obtain. Please note that some specific goods may require additional permits. Reach out to our Departments for answers to any questions you may have.

- **Town Administrator:** Common Victualler Restaurant (If serving prepared food or have seating)
- **Town Clerk:** Business Certificate
- **Health Department:** Food establishment permit
- **Building Department:** Permits are needed for new construction or remodel as well as Zoning approval
- **Fire Department:** New and modified fire suppression/detection systems



Opening a Liquor Store

Alcoholic beverage licenses are limited in the Town of Franklin for off-premises consumption. We have unlimited On-Premise and Farmer Series licenses. Please remember to check with the Town Administrator's Office to determine availability. In order to open a liquor store in Franklin you will need to contact the following Departments and obtain a number of permits and approvals :

- **Town Administrator:** Retail Package and /or ABCC Application
- **Town Clerk:** Business Certificate
- **Health Department:** Tobacco Permit
- **Building Department:** Permits are needed for new construction or remodel as well as Zoning approval
- **Police Department:** Manager background check
- **Fire Department:** New and modified fire suppression/detection systems



Alcoholic Beverages Control Commission (ABCC)

95 Fourth Street, Suite 3
Chelsea, MA 02150-2358
(617) 727-3040

Opening a Winery, Brewery or Distillery

The Town of Franklin has already established itself as a great location to open a winery, brewery, or distillery! We have unlimited Farmer Series licenses available. Please check with the Town Administrator's Office to determine the best steps to get started and fill out your applications.

- **Town Administrator:** Farmer Series Town and ABCC Application
- **Town Clerk:** Business Certificate
- **Health Department:** Food establishment permit if preparing food
- **Planning Department:** Requires Special Permit from the Planning Board
- **Building Department:** Permits are needed for new construction or remodel as well as Zoning approval
- **Police Department:** Manager background check
- **Fire Department:** New and modified fire suppression/detection systems



Opening a Salon, Spa, Massage or Treatment Facility

The residents of the Town of Franklin have always shown strong support for service-based businesses such as salons, barbershops, day spas, aesthetics, and nail facilities. If you plan to open a business that falls under one of these categories, you will need to obtain a variety of permits and licenses, depending upon the specifics of your business and facility. Please reach out to the following Departments for information:

- **Town Clerk's Office**: Business Certificate
- **Building Department**: Permits are needed for new construction or remodel as well as Zoning approval
- **Fire Department**: New and modified fire suppression/detection systems



Opening an Animal Care Business

Animals need care in a variety of ways, and Franklin is home to many businesses such as groomers, kennels, and training facilities. Most animal care businesses will require a special permit in Franklin, so it is best to check the Zoning bylaws and contact our Building and Inspections Department. Anyone interested in opening an animal care type business may need to work with the following departments:

- **Town Clerk:** Business Certificate and yearly Kennel Certificate (Cost varies based on number of animals)
- **Building Department:** A Zoning Determination is Required Prior to Entering into or Establishing an Animal Care Business
- **Fire Department:** New and modified fire suppression/detection systems and Flammable/Combustible Liquid Storage



Opening a Grow and/or Retail Marijuana Facility

The Town of Franklin is committed to having a safe and educated community. We hope to provide residents and potential marijuana facility owners with a comprehensive resource for general information on marijuana and Franklin's marijuana facility permitting process. In order to open a grow and/or retail facility you will need to contact to following Departments:

- **Town Administrator:** Host Community Agreement
- **Town Clerk:** Business Certificate
- **Health Department:** Food establishment permit
- **Building Department:** Permits are needed for new construction or remodel as well as Zoning approval
- **Planning Department:** Requires Special Permit from the Planning Board
- **Police Department:** Security Plan Approval
- **Fire Department:** New and modified fire suppression/detection systems

Town of Franklin
Marijuana
Information Portal



Food Truck Guidelines

Food trucks require permits to operate in the Town of Franklin. Depending upon the event and/or location, different permitting is required.

Food Trucks on private property for a private event:

(example - birthday party at a residential home, staff party on private business property)

- Food Vendor permit with the Health Department

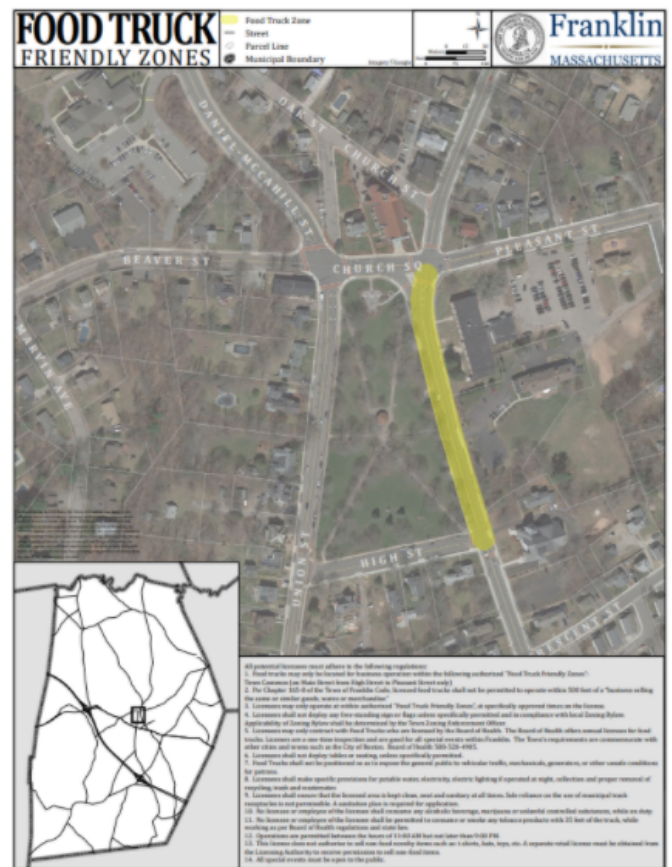
Food Trucks on private property for a public event:

(example- private business having a food truck event for promotional services on private property)

- Food Truck Private Event Permit from Town Administration
- Food Vendor Permit through the Health Department
- These events will be limited to 2 per week

Food Trucks in a Public Way:

- Not permitted unless for a Special Permitted Town Event in the Food Truck Friendly Zone



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Franklin Police Department

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Franklin Senior Center

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Franklin Department of Public Works

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Sponsor: Administration

TOWN OF FRANKLIN

BYLAW AMENDMENT 21-871

CHAPTER 82, MUNICIPAL SERVICE FEES

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 82 Section 82-6, Subsection A Administration

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL that Chapter 82 of the Code of the Town of Franklin is amended at Section 82-6 Schedule of Service Fees, Subsection A. Administration, by adding a new permit fee, set out below:

§ 82-6. Schedule of service fees.

A. Administration

Service Fee	Rate
Club- Wine & Malt	\$750
Liqueurs and Cordials	\$900
Package- Wine & Malt	\$1,500
Common Victualler- Wine & Malt	\$1,125
Club- All Alcohol	\$1,750
Package- All Alcohol	\$2,500
Common Victualler- All Alcohol	\$1,875
Innholder- All Alcohol	\$3,500
One-Day (All Alcohol or Wine & Malt)	\$75
Alcohol Inholder/Rooms only	\$1,300
Common Victualler	\$125
Innholders	\$125
Farmer Brewery, Winery, Distillery	\$250
Alcohol License Modification	\$500
Automatic Amusement	\$125
Weekday Amusement	\$125
Entertainment	\$125
Billiard/Bowling	\$125
Class I	\$125
Class II	\$125
Class III	\$125
Boardinghouse	\$125

Auctioneer	\$85
One-Day Auctioneer	\$85
Junk Dealer	\$85
Taxi/Limousine	\$85
Transient Vendor or Temporary Special Event Food Truck License	\$100
Temporary Food Truck Event on Private Property	\$25
Fortune Teller	\$85
Public Way Access Permit	\$150

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

DATED: _____, 2021

VOTED:

UNANIMOUS: _____

A True Record Attest:

YES: _____ **NO:** _____

ABSTAIN: _____

ABSENT: _____

Nancy Danello
Temporary Town Clerk

Glenn Jones, Clerk
Franklin Town Council

Temporary Food Truck Public Event Permit for Private Property

Introduction

Under section 165 Transient Vendors of the Town Code, the Town Administrator has the authority to develop special, temporary licenses for a period of time.

The Town Administrator announces the establishment of a “Temporary Food Truck Public Event Permit” for the location and operation of Food Trucks within the Town of Franklin. All applicants must adhere to the following special licensure regulations, [Town Code Chapter 165-8](#) of the Town of Franklin and [105 Code of Massachusetts Regulation \(CMR\) 590.009](#).

Purpose

The purpose of these licenses is for private organizations within the Town of Franklin to receive a license to contract with food trucks for temporary public events on private property. The license will allow for food trucks to be set up for business on private property outside of the “Food Truck Friendly Zones”

Guidelines and Licensing Requirements

All potential licensees must adhere to the following regulations:

1. Per Chapter 165-8 of the Town of Franklin Code, licensed food trucks shall not be permitted to operate within 500 feet of a “business selling the same or similar goods, wares or merchandise.”
2. Licensees may only operate at specifically approved times on the license.
3. Licensees shall not deploy any free-standing sign or flags unless specifically permitted and in compliance with local Zoning Bylaw. Applicability of Zoning Bylaw shall be determined by the Town Zoning Enforcement Officer.
4. Licensees may only contract with Food Trucks who are licensed by the Board of Health. The Board of Health offers annual licenses for food trucks. Licenses are a one-time inspection and are good for all special events within Franklin. The Town’s requirements are commensurate with other cities and towns such as the City of Boston. Board of Health 508-520-4905.
5. Licensees shall not deploy tables or seating, unless specifically permitted.
6. Food Trucks shall not be positioned so as to expose the general public to vehicular traffic, mechanicals, generators, or other unsafe conditions for patrons.
7. No licensee or employee of the licensee shall consume any alcoholic beverage, marijuana or unlawful controlled substances, while on duty.

8. No licensee or employee of the licensee shall be permitted to consume or smoke any tobacco products within 35 feet of the truck, while working as per Board of Health regulations and state law.
9. This license does not authorize the sale of non-food novelty items such as: t-shirts, hats, toys, etc. A separate retail license must be obtained from the Licensing Authority to receive permission to sell non-food items.

Application Information

Applications will only be accepted online: <https://franklinma.viewpointcloud.com/>

To apply for a “Temporary Food Truck Public Event Permit”, the following information will be required:

- General information on the applicant, dates, times, and event information.
- Copies of Hawkers and Peddlers licenses from each Food Truck vendor and any other information.
- Event site plan (or sketch), if applicable, to depict the positioning of the food trucks and other information on the event.
- The local fee for a Temporary Food Truck on Private Property is \$25.00 for the licensee. Each food truck shall have a valid Mobile Food vehicle license from the Board of Health to conduct business at any special event. [See Municipal Fee Schedule in the Town Code.](#)
- A valid Hawkers, Peddlers and Transient Vendor's license from the Commonwealth of Massachusetts is required for each manager/owner of a food truck. The state license must be current for the duration of the locally permitted and licensed operation. If at any time, the state license is revoked, suspended and/or not active the local license shall be void.

FOOD TRUCKS FACT SHEET- PERMITS NEEDED

Food Trucks on private property for a private event:

(example - birthday party at residential home, staff party on private business property)

- Food Vendor permit with the Health Department
<https://franklinma.viewpointcloud.com/categories/1082/record-types/6582>

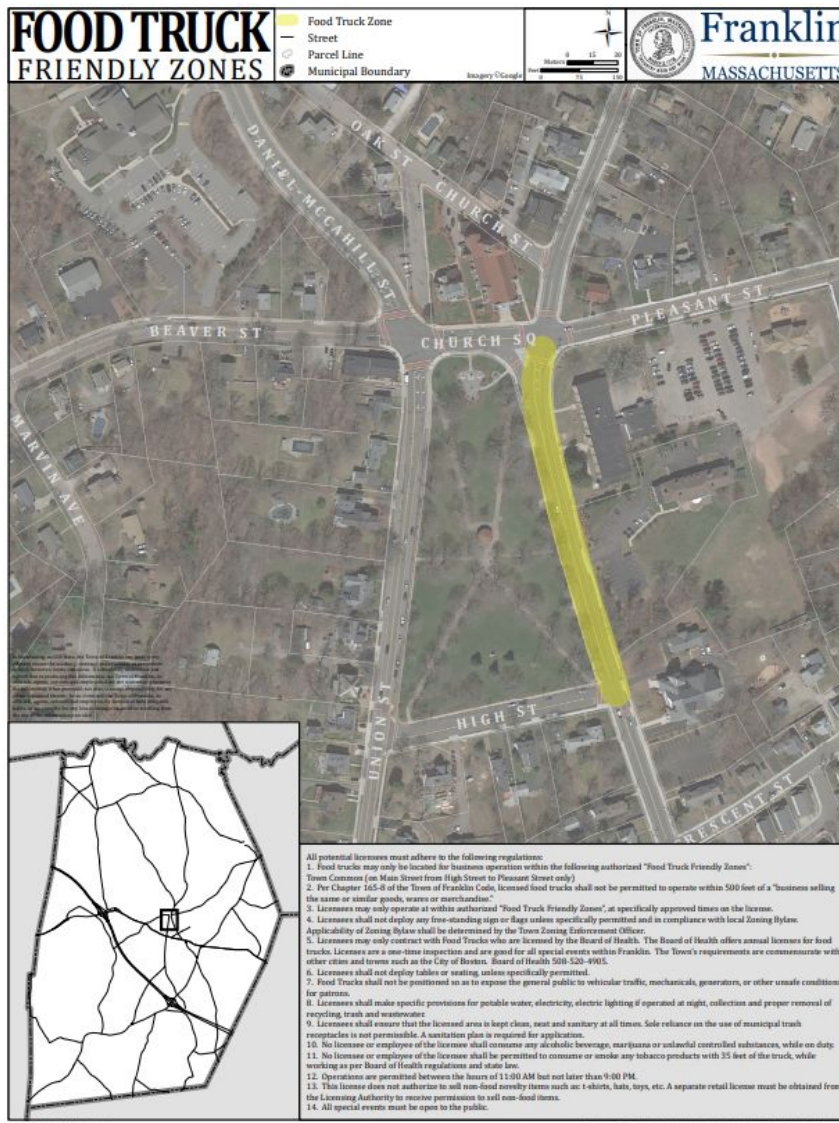
Food Trucks on private property for a public event:

(example- private business having a food truck event for promotional services on private property)

- Food Truck Private Event Permit from Town Administration
<https://franklinma.viewpointcloud.com/categories/1080/record-types/6592>
- Food Vendor Permit through the Health Department
<https://franklinma.viewpointcloud.com/categories/1082/record-types/6582>
- These events will be limited to 2 per week

Food Trucks in a Public Way:

- Not permitted unless for a Special Permitted Town Event in the Food Truck Friendly Zone
<https://franklinma.viewpointcloud.com/categories/1080/record-types/6448>



*Town of Franklin, MA
Wednesday, October 16, 2019*

Chapter 165. Transient Vendors

§ 165-1. Scope; purpose; authority.

- A. This chapter is enacted to supplement the provisions of Chapter 101 of the Massachusetts General Laws regulating the sale of goods, wares or merchandise by transient vendors, hawkers and peddlers and is intended to cover the sale of goods, wares or merchandise by all persons who are subject to the provisions of the said Chapter 101 and by certain other persons who may, by legislative oversight, be excluded from the scope of said statute.
- B. It is the specific and express purpose of this chapter to regulate, inter alia, the sale of goods, wares or merchandise by all transient vendors, hawkers and peddlers, not only those who go from town to town or from place to place within one town, but also those who conduct their business at a single location within one town and who may do so, not only within any tent, booth, building or other structure shelter, but also in the open air on any lot of land or part thereof.
- C. In the enactment of this chapter, the Town Council of the Town of Franklin specifically relies upon powers made available to it by Section 8 of Article 89 of the amendments to the State Constitution and by MGL c. 43B, § 13.

§ 165-2. Local license requirement; general applicability of regulations.

No person, either principal or agent, who engages in a temporary or transient business selling any goods, wares or merchandise, either in one location or in traveling from place to place, shall conduct such business within the Town without first having obtained any license required under MGL c. 101 and a local transient vendor license issued by the Town Administrator. Subject to federal and state law, no license shall be granted to any person who is not a citizen of the United States unless such person is authorized to work in the United States by the Federal Immigration and Naturalization Service, nor shall a license be issued to any entity that is not duly organized and authorized to conduct business within the commonwealth.

§ 165-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

TEMPORARY OR TRANSIENT BUSINESS

Any exhibition and sale of goods, wares or merchandise which is carried on at any location within this Town, unless such place is open for business during usual business hours for a period of at least 12 consecutive months during the current year. No person shall be relieved from complying with the provisions of this chapter merely by reason of associating himself temporarily with any local dealer, trader or merchant or by conducting such temporary or transient business in connection with or as a part of the business of, or in the name of, any local dealer, trader or merchant.

TRANSIENT VENDOR

Any person, whether principal or agent, who engages in a temporary or transient business in the Town of Franklin, whether at a single location or by going from place to place within the Town, selling or exhibiting for sale any goods, wares or merchandise.

§ 165-4. Exclusions.

- A. The provisions of this chapter shall have no application to any person, business, or activity which MGL c. 101 specifically exempts from local regulation.
- B. In those cases where MGL c. 101 provides that a person, business, or activity is exempt from local licensure or the payment of a fee therefor, the remaining provisions of this chapter shall still apply.

§ 165-5. Application information.

- A. Every person, before commencing business in this Town as a transient vendor or a locally licensed hawker or peddler, shall make written application to the Administrator on a form to be provided, stating:
 - (1) The business sought to be conducted.
 - (2) The names and residential addresses of the applicant and the owners or parties in whose interest said business is to be conducted.
 - (3) The place or places in the Town where the applicant proposes to carry on said business.
 - (4) The authority, if any, for the use of said premises.
 - (5) The proposed hours of operation for said business.
 - (6) The period of time during which it is proposed that said business shall be conducted.
- B. Each such application shall have attached thereto copies of any license which may have been issued for such business under Chapter 101 of the General Laws or otherwise.

§ 165-6. Review of application.

- A. The Town Administrator shall, forthwith upon its receipt, forward copies of all applications as are received by it to the Police Chief, the Fire Chief, the Building Commissioner and the Board of Health, unless such application shall indicate that the applicant has provided for such copies of the application to be filed with said agencies at the time of filing his application with the Town Administrator.
 - (1) The Police Chief shall examine into the character and reputation of each person named in the application to determine if said applicant shall be a person of good repute as to morals and integrity. The Police Chief shall review and examine each location proposed to be used for the sale of goods, wares or merchandise and the hours designated for such operation to determine if, in his opinion, any public safety hazard would exist by reason of the location, the hours of operation or the nature of the goods, wares or merchandise to be sold.
 - (2) The Fire Chief shall review and examine each location proposed to be used for the sale of goods, wares or merchandise and the hours designated for such operation to determine if, in his opinion, any public safety hazard would exist by reason of the location, the hours of operation or the nature of the goods, wares or merchandise to be sold.

- (3) The Building Commissioner shall examine and review each location proposed to be used, the hours designated for such operation and the nature of the goods, wares or merchandise to be sold to determine if, in his opinion, such are in conformity with the Zoning Bylaw and the Building Code.^[1]

[1] *Editor's Note: See Ch. 185, Zoning, and the Massachusetts State Building Code, respectively.*

- (4) The Board of Health shall review and examine each location proposed to be used for the sale of goods, wares or merchandise, the hours designated for such operation and the nature of the goods, wares or merchandise to be sold to determine their conformity with the provisions of the State Sanitary Code and any local regulations of the Board of Health.^[2]

[2] *Editor's Note: See Division 3 of this Code.*

- B. Each of said agencies shall make whatever report it deems necessary to the Town Administrator within one week of receipt of such application, recommending such measures or restrictions on the issuance of any license as may be necessary to protect the public peace, health, safety or general welfare of the community.

§ 165-7. Grounds for denial of license.

The Town Administrator may refuse to grant a license to any applicant if he finds that the applicant's character or business responsibility is unsatisfactory or that approval of a license is otherwise inconsistent with protection of the public peace, health, safety or general welfare.

§ 165-8. License conditions.

Each license issued under the provisions of this chapter is subject to the following conditions:

- A. No person licensed under the provisions of this chapter shall stand in or upon or park a motor vehicle in or upon or display his goods, wares or merchandise in or upon any street or sidewalk in the Town of Franklin or within 20 feet of the side line of any street, for more than 20 minutes, at one location. At the end of said time, said person shall move at least 500 feet and shall not return to any location where he has previously operated for at least four hours.
- B. No person licensed under the provisions of this chapter shall sell any goods, wares or merchandise in or upon any street or sidewalk within the Town of Franklin within 500 feet of a business selling the same or similar goods, wares or merchandise.
- C. Each license shall state with specificity the place or places at which it shall be valid, the hours of operation at each such place and the specific goods, wares or merchandise which are to be offered for sale at such places and during such times.
- D. No license may be transferred or assigned by the licensee, but a licensee may have the assistance of one or more persons in conducting his business, who may aid him but not act for him or without him.
- E. Public disturbance and threats to health and safety prohibited. No sale, barter, display for sale, or carrying for sale shall be permitted by any licensee, if such activities create a threat to the physical safety of patrons, purchasers or passersby, or if the activities of patrons or purchasers create a threat to the physical safety of others. No person hawking, peddling, or carrying or exposing any article for sale shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the Town, nor carry or convey such articles in any manner that will tend to injure or disturb the public health or comfort nor otherwise than in vehicles and receptacles which are neat and clean and do not leak.

- F. Town land. No sale, barter, display for sale, or carrying for sale shall be permitted, and no licensee shall operate, upon any public street or way, the Town Common, or any other Town land, without a license issued under this chapter. The license shall be maintained in the possession of each licensee during business operations and shall be provided to any police officer or Town enforcement official upon request.
- G. Private property. No sale, barter, display for sale, or carrying for sale shall be permitted, and no licensee vendor shall operate, upon any private property without a license issued under this chapter and the written permission of the owner of said property. Both the license and a copy of such written permission shall be maintained in the possession of each licensee during business operations and shall be provided to any police officer or Town enforcement official upon request.
- H. Each license issued under this chapter shall expire on the first day of January next following its issuance, unless sooner surrendered or revoked.

§ 165-9. Fees.

- A. Every transient vendor, upon making application under §§ **165-5** through **165-6** above, shall pay an application fee as established in Chapter **82**, Fees, of the Code of the Town of Franklin.
- B. The Town Administrator may authorize his office, upon the payment by the applicant of a license fee as established in Chapter **82**, Fees, of the Code of the Town of Franklin, to issue to him a license authorizing the sale of such goods, wares and merchandise within the Town.
- C. Upon such payment, the Town Administrator's office shall record the "local license fees paid."

§ 165-10. Temporary licenses.

Nothing in this chapter shall prevent the Town Administrator from granting, under such conditions and upon such fees, if any, as he may deem proper, special licenses authorizing a fraternal, religious, civic, veterans or other charitable organization to conduct a temporary or transient business for a particular time period not to exceed a total of four consecutive days.

§ 165-11. Violations and penalties.

A violation of any provision of this chapter shall result in a fine of \$100 for each offense; each day that the violation continues shall constitute a separate offense, except in the case of hawkers and peddlers holding a state license under MGL c. 101, § 22, or a local license under § 17 of said statute who shall be liable for a fine of \$20 for each offense, as provided in said § 17.

§ 165-12. Enforcement.

The Town Administrator or his designee, the Franklin Police Chief and Fire Chief or their designees, the Building Commissioner and the Board of Health Agent are each authorized to enforce the provisions of this chapter.