



## FRANKLIN TOWN COUNCIL

February 15, 2017

7:00 PM

### A. APPROVAL OF MINUTES – February 1, 2017

### B. ANNOUNCEMENTS –

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

### C. PROCLAMATIONS/RECOGNITIONS

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

### E. APPOINTMENTS – Design Review Commission

### F. HEARINGS - Public Hearing- 7:10 PM

- Zoning Bylaw Amendment 17-786: Storage Facility Bylaw

### G. LICENSE TRANSACTIONS

### H. PRESENTATIONS/DISCUSSIONS

1. Water Presentation – Brutus Cantoreggi
2. Discussion – Chp. 179: Water, Article VI Water Use Restriction and Ban

### I. SUBCOMMITTEE REPORTS

### J. LEGISLATION FOR ACTION

1. *Resolution 17-06: Appropriation: Animal Control - Prior Year's Bill (**Motion to Move Resolution 17-06 - 4/5 vote**)*
2. *Resolution 17-07: Local Acceptance of Amended Provisions of G.L. Chapter 40, Sections 22A, 22B, and 22C (**Motion to Move Resolution 17-07 – majority vote (5)**)*
3. *Zoning Bylaw Amendment 17-779: Changes to Chapter 185 Section 3 Definitions – 2<sup>nd</sup> Reading (**Motion to move Zoning Bylaw Amendment 17-779 – Roll Call – 2/3 majority vote (6)**)*
4. *Zoning Bylaw Amendment 17-780: Changes to Chapter 185 Section 4 Districts Enumerated – 2<sup>nd</sup> Reading (**Motion to move Zoning Bylaw Amendment 17-780 – Roll Call – 2/3 majority vote(6)**)*
5. *Zoning Bylaw Amendment 17-781: Changes to Chapter 185 Section 5 Zoning Map – 2<sup>nd</sup> Reading (**Motion to move Zoning Bylaw Amendment 17-781 - Roll Call – 2/3 majority vote (6)**)*
6. *Zoning Bylaw Amendment 17-782: Changes to Chapter 185 Section 7 Compliance required – 2<sup>nd</sup> Reading (**Motion to move Zoning Bylaw Amendment 17-782 – Roll Call - 2/3 majority vote (6)**)*
7. *Zoning Bylaw Amendment 17-783: Amendment to Chapter 185 Section 49 Marijuana Use Overlay District – 2<sup>nd</sup> Reading (**Motion to move Zoning Bylaw Amendment 17-783 – Roll Call – 2/3 majority vote (6)**)*

8. *Zoning Bylaw Amendment 17-786: Storage Facility Bylaw – 1<sup>st</sup> Reading (Motion to move Bylaw Amendment 16-786 to a 2<sup>nd</sup> Reading (majority vote))*

**K. TOWN ADMINISTRATOR’S REPORT**

**L. FUTURE AGENDA ITEMS**

**M. COUNCIL COMMENTS**

**N. EXECUTIVE SESSION** - *Potential Purchase of Land at 0 Washington Street (Exercise of Town’s Right of First Refusal- Discussion Only)*

**O. ADJOURN**

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
February 1, 2017**

A meeting of the Town Council was held on Wednesday, February 1, 2017 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Glenn Jones, Matthew Kelly, Thomas Mercer, Peter Padula, Deborah Pellegrini, Judith Pond Pfeffer, Robert Vallee. Councilors absent: None. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Jamie Hellen, Deputy Town Administrator; Mark Cerel, Town Attorney.

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

**APPROVAL OF MINUTES: January 18, 2017.** ► **MOTION** to Approve the January 18, 2017 meeting minutes by Mercer. **SECOND** by Bissanti. **No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

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

**PROCLAMATIONS/RECOGNITIONS:** ► *Swearing in of Police Officers.* ► Police Chief Thomas Lynch thanked the Town Council and Town Administrator for allowing him the opportunity to recognize five individuals for being promoted or transferred to a specialty assignment. He provided background and career information for Lt. James West, Sgt. Daniel Smith, Det. Richard Grover, Det. Jonathon Bussey, and Officer Paul Guarino. ► Family members pinned the recognized police officers. ► Chairman Kelly, on behalf of the Town Council, thanked all police officers for their dedication and service.

*Chairman Kelly called a five-minute recess.*

**CITIZEN COMMENTS:** *None.*

**APPOINTMENTS:** *None.*

**HEARINGS:**

1. *Zoning Bylaw Amendment 17-779: Changes to Chapter 185 Section 3 Definitions*
2. *Zoning Bylaw Amendment 17-780: Changes to Chapter 185 Section 4 Districts Enumerated*
3. *Zoning Bylaw Amendment 17-781: Changes to Chapter 185 Section 5 Zoning Map*
4. *Zoning Bylaw Amendment 17-782: Changes to Chapter 185 Section 7 Compliance Required*
5. *Zoning Bylaw Amendment 17-783: Amendment to Chapter 185 Section 49 Marijuana Use Overlay District*

► **MOTION** to **Open** all five public hearings by Mercer. **SECOND** by Dellorco. **No Discussion.**

► **VOTE: Yes-9, No-0, Absent-0.** ► Mr. Nutting provided a summary of all five bylaws. He stated all these bylaws relate to zoning recreational marijuana to the same locations where medical marijuana is zoned. The law passed in November; the legislature has delayed implementation until June 30, 2018. The State Treasurer is assigned with the task to determine rules, regulations and procedures for adult marijuana. In the meantime, he suggested from a zoning perspective to place that opportunity in the same location as medical marijuana now allowed by the town. It would be by special permit and this is the first step until more is known from the State Legislature and Treasurer. This zoning in the short run will make sense and it can be changed later. ► Mr. Bissanti stated he does not want to see retail dispensaries downtown or on Main Street. He asked how strong the town's legal footing is to not be challenged by an applicant. ► Mr. Cerel stated he believed the town had strong footing because the town is allowing it in

the same locations and same process as medical. ► **MOTION to Close** all five public hearings by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

**LICENSE TRANSACTIONS:** ► **Joe's American Bar & Grill, Change of Manager.** Ms. Pfeffer read the license transaction. ► **MOTION to Approve** the request by Joe's American Bar & Grill for a change of manager to Michael Steven Botelho by **Pfeffer. SECOND** by **Mercer. Discussion:** ► Mr. Nutting stated they are here to answer any questions. ► Attorney Nicholas Zozula of McDermott, Quilty & Miller and Mr. Michael Botelho addressed the Town Council. In response to questions, Mr. Botelho confirmed he has been TIPS certified for 20 years; he is also ServSafe Alcohol Training certified. He is currently the General Manager of the restaurant. He discussed staff training and the recent violation at this restaurant. ► Chairman Kelly reminded Mr. Botelho that the town takes violations very seriously. ► **VOTE: Yes-9, No-0, Absent-0.**

**PRESENTATIONS/DISCUSSIONS:** *None.*

**SUBCOMMITTEE REPORTS:** *None.*

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

1. **Resolution 17-04: Acceptance of Grant of Utility (Drainage) Easements (majority vote (5)).** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 17-04: Acceptance of Grant of Utility (Drainage) Easements by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated that for more than one year this has been an ongoing problem. There was a pump station built on private property many years ago without any easements. It was being used and the town did not have a right to access it. Both property owners have granted the town an easement so the town can maintain the pump station as well as make repairs if the pipe were to ever break. ► Mr. Mercer thanked those involved for bringing this to fruition; it has been a long time coming. He applauded their efforts. ► Mr. Bissanti echoed Mr. Mercer's statements. He also thanked the Lipperts. ► Mr. Dellorco stated this is a good thing and thanked everyone involved. ► Ms. Pellegrini stated she was very thankful this was resolved; she thanked the Lipperts for always being cordial. ► **VOTE: Yes-9, No-0, Absent-0.**
2. **Resolution 17-05: Request for Special Legislation, Re: Authorization for State to Convey Article 97 Land to Town (majority vote (5)).** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 17-05: Request for Special Legislation, Re: Authorization for State to Convey Article 97 Land to Town by **Mercer. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated this is the next step in the process for acquiring the land next to the town's Transfer Station that was inadvertently used by the town decades ago. There is some rubbish/trash on that land that needs to be removed and capped, as well as a portion of the landfill that was not capped where all the containers are today. So, in working with the State for many years, the idea is to swap some town-owned land that abuts the State forest and provide that to them, and in turn they will provide the town this land so the town can move forward to remediate the area as well as to hopefully rebuild and expand the Recycling Center once the capping process is complete. This would petition the Legislature to authorize the transfer of land; then there will be appraisal, surveys and other items to get done to eventually get to the point to go to DEP and develop a plan to cap it. Somewhere in the future money will be needed to both design and cap the landfill and build the Recycling Center; it could be \$2 or \$3 million. ► Chairman Kelly extended thanks to Larry Benedetto who worked on this effort. ► **VOTE: Yes-9, No-0, Absent-0.**
3. **Zoning Bylaw Amendment 17-779: Changes to Chapter 185 Section 3 Definitions - 1<sup>st</sup> Reading (Motion to move Zoning Bylaw Amendment 17-779 to a 2<sup>nd</sup> Reading – majority vote).** Ms. Pfeffer read the zoning bylaw amendment. **MOTION to Move** Zoning Bylaw Amendment 17-779: Changes to Chapter 185 Section 3 Definitions to a 2<sup>nd</sup> reading by **Mercer. SECOND** by **Padula. Discussion:**

► Mr. Nutting stated these five resolutions relate to the five public hearings as previously described.  
► **VOTE: Yes-9, No-0, Absent-0.**

4. ***Zoning Bylaw Amendment 17-780: Changes to Chapter 185 Section 4 Districts Enumerated – 1<sup>st</sup> Reading (Motion to move Zoning Bylaw Amendment 17-780 to a 2<sup>nd</sup> Reading - majority vote).*** Ms. Pfeffer read the zoning bylaw amendment. **MOTION to Move** Zoning Bylaw Amendment 17-780: Changes to Chapter 185 Section 4 Districts Enumerated to a 2<sup>nd</sup> Reading by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**
5. ***Zoning Bylaw Amendment 17-781: Changes to Chapter 185 Section 5 Zoning Map - 1<sup>st</sup> Reading (Motion to move Zoning Bylaw Amendment 17-781 to a 2<sup>nd</sup> Reading – majority vote).*** Ms. Pfeffer read the zoning bylaw amendment. **MOTION to Move** Zoning Bylaw Amendment 17-781: Changes to Chapter 185 Section 5 Zoning Map to a 2<sup>nd</sup> Reading by **Mercer. SECOND** by **Padula.**  
**Discussion:** ► Ms. Pfeffer confirmed the word medical would be removed and replaced with just the word marijuana. ► **VOTE: Yes-9, No-0, Absent-0.**
6. ***Zoning Bylaw Amendment 17-782: Changes to Chapter 185 Section 7 Compliance Required – 1<sup>st</sup> Reading (Motion to move Zoning Bylaw Amendment 17-782 to a 2<sup>nd</sup> Reading - majority vote).*** **MOTION to Waive** the reading by **Dellorco. SECOND** by **Jones. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** **MOTION to Move** Zoning Bylaw Amendment 17-782: Changes to Chapter 185 Section 7 Compliance Required to a 2<sup>nd</sup> Reading by **Mercer. SECOND** by **Padula. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**
7. ***Zoning Bylaw Amendment 17-783: Amendment to Chapter 185 Section 49 Marijuana Use Overlay District – 1<sup>st</sup> Reading (Motion to move Zoning Bylaw Amendment 17-783 to a 2<sup>nd</sup> Reading - majority vote).*** **MOTION to Waive** the reading by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** **MOTION to Move** Zoning Bylaw Amendment 17-783: Amendment to Chapter 185 Section 49 Marijuana Use Overlay District to a 2<sup>nd</sup> Reading by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**
8. ***Bylaw Amendment 17-784: Repeal Sign Restrictions Bylaw – 2<sup>nd</sup> Reading (Motion to move Bylaw Amendment 17-784 – majority roll call vote (5)).*** Ms. Pfeffer read the bylaw amendment. **MOTION to Move** Bylaw Amendment 17-784: Repeal Sign Restrictions Bylaw by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated this law was passed in 1975; it has been superseded by the town's new sign bylaw. This eliminates a duplicate of an old bylaw. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. ► **VOTE: Yes-9, No-0, Absent-0.**
9. ***Bylaw Amendment 17-785: Repeal of Sidewalk Snow and Ice Removal Bylaw - 2<sup>nd</sup> Reading (Motion to move Bylaw Amendment 17-785 – majority roll call vote (5)).*** Ms. Pfeffer read the bylaw amendment. **MOTION to Move** Bylaw Amendment 17-785: Repeal of Sidewalk Snow and Ice Removal Bylaw by **Mercer. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated this bylaw was passed in 1975 requiring people to shovel their sidewalks if they abut a public way; in forty years, the town has expanded dramatically. To his knowledge, in the past 15 years this bylaw has never been enforced, nor is it practical. The DPW generally clears the downtown anyway. He recommended this bylaw be eliminated. ► Mr. Jones confirmed this bylaw has no effect on fines for people throwing snow in the street. ► Mr. Nutting stated that is a separate bylaw and it is enforced. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. ► **VOTE: Yes-9, No-0, Absent-0.**

**TOWN ADMINISTRATOR'S REPORT:** ► Mr. Nutting gave thoughts and prayers to Mr. David Baker whose wife DiAna recently passed away. She was a wonderful town employee and a wonderful person. This is a terrible loss and she will be greatly missed.

**FUTURE AGENDA ITEMS:** ► Mr. Dellorco stated the SAFE Coalition would like to come in and provide and update on everything they have done during the past 1 ½ years. ► Chairman Kelly asked Mr. Dellorco to provide possible dates to Mr. Nutting to plan that. Chairman Kelly asked Mr. Nutting to check on February 28 at 7:00 PM for a potential Zoning Workshop meeting to discuss Zone VII and other zones.

**COUNCIL COMMENTS:** ► Ms. Pellegrini gave condolences to the family of DiAna Baker. She also gave condolences to the family of Robert Rappa who was the former Treasurer for the Town of Franklin. She stated she had gone to the Patriot's send off and it was a great time. ► Mr. Padula, Mr. Mercer, Mr. Vallee, Mr. Jones, Mr. Dellorco, Mr. Bissanti, Ms. Pfeffer and Chairman Kelly gave condolences to the Baker and Rappa families. ► Mr. Jones announced that tomorrow morning at 10:29 AM, WFPR radio is going to start broadcasting with a limited schedule. ► Ms. Pfeffer stated the Franklin Police Department has on their webpage the number of overdoses in the Town of Franklin as well as the number of deaths. In 2016 there were 58 overdoses and 9 deaths. This epidemic is ongoing. She also stated that in the Milford News there was information about a homeless family. The church provided some assistance. She stated that there should not be people living in their cars in this town; let's get others involved to help out. ► Mr. Mercer stated February 26 from 11:00 - 2:00 PM is the Grand Re-Opening of the Franklin Senior Center. ► Ms. Pellegrini stated the Horace Mann statue presentation will be on Sunday, May 7 at 11:00 AM; invitations will be going out. ► Mr. Bissanti asked if there are any shelters available in an emergency for the homeless. ► Chairman Kelly stated there are some towns around Franklin that can help. He requested revisions to the Town Council schedule be given to Mr. Nutting as changes will be made.

**EXECUTIVE SESSION:** *None.*

**ADJOURN: MOTION to Adjourn by Mercer. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 7:52 PM.**

Respectfully submitted,

Judith Lizardi  
Recording Secretary



# APPOINTMENTS

## Design Review Commission

James Bartro  
99 Pine Street

The Design Review Commission has recommended the appointment of James Bartro to serve as a member of the Design Review Commission with an expiration of June 30, 2019.

**MOTION** to ratify the appointment by the Town Administrator of James Bartro to serve as a member of the Design Review Commission.

**DATED:** \_\_\_\_\_, 2017

**VOTED:**

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

**A True Record Attest:**

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

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

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

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

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**Judith Pond Pfeffer, Clerk**  
**Franklin Town Council**

# HEARING – 7:10 PM

(PAPERWORK UNDER LEGISLATION)

- ZONING BYLAW AMENDMENT 17-786:  
STORAGE FACILITY BYLAW



PRESENTATIONS  
AND  
DISCUSSIONS

- WATER PRESENTATION: BRUTUS CANTOREGGI
- CHAPTER 179: WATER, ARTICLE VI WATER USE RESTRICTION AND BAN

# OFFICE OF THE TOWN ADMINISTRATOR

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## MEMORANDUM

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**DATE:** December 8, 2016  
**TO:** Town Council  
**FROM:** Jeffrey D. Nutting, Town Administrator  
**RE:** Discussion Concerning Water Use Restrictions

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As a result of the ongoing drought the DPW has drafted a Water Use Restriction and Ban By law for the Town Councils consideration. Generally the bylaw codifies the current practice of putting in place some water restriction on outside watering if our well levels are declining and then a water ban if we are in a drought.

This practice has been in place for a long time and is required to help maintain our water supply.

The proposal also included adding private wells to the Water Ban so when we have a drought, private wells would be restricted from outside water use consistent with all other users.

This will help with the overall water use of the community as well as making enforcement much easier.

Most of the outside water use goes to watering lawns. The good news is that the green grass returns in the fall despite the water ban.

## **Chapter 179: Water**

### **Article VI Water Use Restriction and Ban**

§ 179-1 Authority.

§ 179-2 Purpose.

§ 179-3 Application and Exemptions.

§ 179-4 Definitions.

§ 179-5 Declaration of State of Water Supply Conservation.

§ 179-6 State of Water Supply Conservation Restricted Water Uses.

§ 179-7 Declaration of Water Ban.

§ 179-8 Water Ban Restricted Water Uses.

§ 179-9 Public Notification of State of Water Supply Conservation or Water Ban; Notification of DEP.

§ 179-10 Termination of State of Water Supply Conservation; Notice.

§ 179-11 State of Water Supply Emergency; Compliance with DEP Orders.

§ 179-12 Posting of Notice of Private Irrigation Wells.

§ 179-13 Penalties for Violations(s).

§ 179-14 Enforcement Authority.

#### **§ 179-1 Authority.**

This article is adopted by the Town of Franklin under its police powers to protect public health, safety and welfare and implements the Town's authority to regulate, limit and prohibit water use. This article also implements the Town's authority under M.G.L. c. 40, § 41A, conditioned upon a declaration of Water Supply Emergency issued by the Department of Environmental Protection.

#### **§ 179-2 Purpose.**

The purpose of this article is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or Water Ban by providing for enforcement of any duly imposed prohibitions, restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

#### **§ 179-3 Application and Exemptions.**

Water Supply Conservation measures apply to public water supply users only. Water Ban measures apply to both public water supply users and private well users.

Commercial agricultural users and golf courses shall be exempt from all provisions of this article. The Town of Franklin is exempt from all provisions of this article to extent required to protect public assets.

#### **§ 179-4 Definitions.**

For the purpose of this article, the following terms shall have the meanings indicated:

##### **FRANKLIN WATER SUPPLY**

The system of Town owned wells and pipes used to distribute drinking water and provide fire protection as well as all sources for said water, including subsurface aquifer(s).

PERSON - Any individual, property owner, tenant, corporation, trust, partnership or association, or other entity located in Franklin or who is connected to the Franklin Water Supply.

STATE OF WATER SUPPLY CONSERVATION - A State of Water Supply Conservation declared by the Town pursuant to § 179-5 of this article.

WATER BAN - A state of elevated water restrictions declared by the Town pursuant to § 179-7 of this article.

#### **§ 179-5 Declaration of State of Water Supply Conservation.**

As required by the Town's Water Management Act Permit, the Town Administrator shall declare a State of Water Supply Conservation no later than the first Monday in June through at the earliest the second Monday in September each year. Outdoor water use restrictions outlined in § 179-6 shall be applicable to all water users of the public water system regardless of any person's responsibility for paying water bills for water used at any particular facility. The Town Administrator may extend the State of Water Supply Conservation if he determines that a shortage of water exists, or may reasonably be determined to be imminent, and that conservation measures are appropriate to ensure the safe and adequate supply of water to all water consumers.

#### **§ 179-6 State of Water Supply Conservation Restricted Water Uses.**

A declaration of a State of Water Supply Conservation shall include, but not be limited to, one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the public supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under § 179-9.

- A. One day per week outdoor watering. Outdoor watering using sprinklers or automated irrigation systems is restricted to the water user's trash day. If the user does not have Town trash service, the user should water on the same day as the nearest Town trash customer.
- B. Outdoor watering hours. Outdoor watering is prohibited between the hours of 9 am to 5 pm.

#### **§ 179-7 Declaration of Water Ban.**

If the Town Administrator makes a specific finding that the shortage of water exists because of a clear and imminent threat to the aquifer(s) underlying Franklin, such threats to include severe drought or environmental pollution, the Town Administrator may elevate the State of Water Supply Conservation

to a Water Ban: either partial or total. Outdoor water use restrictions outlined in § 179-8 shall be applicable to all persons in Franklin regardless of the source of water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under § 179-9.

**§ 179-8 Water Ban Restricted Water Uses.**

A declaration of a partial Water Ban may include, but not be limited to, one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the public supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under § 179-9.

- A. Prohibition on the use of sprinklers and automatic sprinkler systems .
- B. Limitation on outdoor watering to handheld watering of vegetable and flower gardens.
- C. Prohibition on handwashing of exterior building surfaces, parking lots, sidewalks, driveways and patios.
- D. Prohibition on washing of vehicles, except in commercial car washes.
- E. Mandatory water use reductions by commercial/industrial users.

A declaration of a total water ban may include a total ban on outdoor water use, with or without stated exceptions; the applicable restrictions, conditions or requirements shall be included in the public notice required under § 179-9.

**§ 179-9 Public Notification of State of Water Supply Conservation or Water Ban; Notification of DEP.**

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation or Water Ban shall be published on the official Town of Franklin website, or by such other means reasonably calculated to reach and inform users of water of the state of water supply conservation. Any restriction imposed under § 179-6 or § 179-8 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

**§ 179-10 Termination of State of Water Supply Conservation or Water Ban; Notice.**

A State of Water Supply Conservation or Water Ban may be terminated by the Town Administrator as allowed by the Town's Water Management Act Permit, upon his determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation or Water Ban shall be given in the manner provided in § 179-9.

**§ 179-11 State of Water Supply Emergency; Compliance with DEP Orders.**

If the Department of Environmental Protection declares a State of Water Supply Emergency under M.G.L. c. 21G. § 15-17., no person shall violate any provision, restriction, requirement or condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

**§ 179-12 Posting of Notice of Private Irrigation Wells.**

All persons who have private wells for lawn irrigation must prominently display signs visible to the public that include the following phrase "PRIVATE WELL WATER IN USE." Signs must be displayed whenever the irrigation system is in use. False posting is prohibited.

**§ 179-13 Penalties for Violations(s).**

Any violation of this bylaw shall subject the violator to a fine as follows:

- (1) First violation (within calendar year): a written warning.
- (2) Second violation: a fine of \$50.
- (3) Every violation thereafter: a fine of \$200.

Each day that a violation continues shall constitute a new and separate offense.

**§ 179-14 Enforcement Authority.**

The Town Administrator and his designee(s), Director of Public Works and his designee(s), Franklin Police Department, Building Commissioner, Conservation Agent, and Board of Health Agent shall each have authority to enforce the provisions of this bylaw.

**TOWN OF FRANKLIN**

**RESOLUTION NO.:** 17-06

**APPROPRIATION:** Animal Control Prior Year's Bill

**TOTAL REQUESTED:** \$ 315.00

**PURPOSE:** To Pay for prior year's Animal Control Bill for year ending June 30, 2016.

**MOTION**

Be It Moved and Voted by the Town Council that a Prior Year's bill in the amount of Three Hundred and Fifteen Dollars (\$315.00) be paid from the FY 2017 Animal Control Budget.

**DATED:** \_\_\_\_\_, 2017

**VOTED:**

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

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

**A True Record Attest:**

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

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

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

\_\_\_\_\_  
**Judith Pond Pfeffer, Clerk**  
**Franklin Town Council**

# OFFICE OF THE TOWN ADMINISTRATOR

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## MEMORANDUM

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**DATE:** February 2, 2017  
**TO:** Town Council  
**FROM:** Jeffrey D. Nutting, Town Administrator  
**RE:** Proposed By Law

Last year the legislature adopted the “municipal modernization act” that helped stream line many areas of law. Unfortunately in a few cases they made it more difficult.

Attached is a resolution that is required if we wish to continue to deposit revenue from parking fees into receipt reserve for appropriation for parking. The intent of the fund would be to help purchase of land for parking or pay for a lease. Currently there is \$314,000 in the fund and we collect approximately \$40,000 a year goes into the account.

If the Council ever increases either the commuter parking permits or business permits the annual revenue will increase.

Please feel free to call with any questions.





Sponsor: Administration

**TOWN OF FRANKLIN**

**RESOLUTION 17-07**

**LOCAL ACCEPTANCE OF AMENDED PROVISIONS OF  
G.L. CHAPTER 40, SECTIONS 22A, 22B AND 22C**

**WHEREAS**, G.L. Chapter 40, Sections 22A, 22B and 22C govern municipal parking, both on-street and off-street, including, inter alia, the creation, funding, and revenue, and

**WHEREAS**, prior to the passage of Chapter 218 of the Legislative Acts of 2016, the so-called Municipal Modernization Act, these statutes permitted a municipality to reserve revenues generated from public parking fees and to use said revenues for public parking-related purposes without appropriation, but said Chapter 218 amended G.L. Chapter 40, Sections 22A, 22B and 22C to require local acceptance of certain provisions of said statutes in order for a municipality to reserve and use public parking fee-generated revenues for public parking-related purposes without appropriation, and

**WHEREAS**, Town had employed the above-described practice prior to the statutory amendments and desires to continue to do so,

**NOW, THEREFORE**, the Franklin Town Council, acting on behalf of the Town of Franklin accepts the second sentence of G.L. Chapter 40, Section 22A, accepts Section 22B, and accepts the second sentence of Section 22C, as amended by Sections 25, 28 and 29, respectively, of Chapter 218 of the Legislative Acts of 2016.

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

**DATED:** \_\_\_\_\_, 2017

**VOTED:**

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

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

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

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

**A True Record Attest:**

**Teresa M. Burr**  
Town Clerk

\_\_\_\_\_  
**Judith Pond Pfeffer, Clerk**  
**Franklin Town Council**

ier action.

### **How does the Municipal Modernization Act impact the treatment of parking meter revenues?**

Before the Municipal Modernization Act, parking meter or other parking receipts had to be reserved for appropriation under MGL c. 40, secs. 22A, 22B and 22C. As of the November 7, 2016 effective date of the Act, however, those receipts are unrestricted and unreserved general fund revenue unless the city or town accepts provisions in those statutes in order to credit them to a "receipts reserved for appropriation" special revenue fund. Any revenue received before November 7, 2016 remains in the receipts reserved special revenue fund to be appropriated accordingly.

If a city or town wants to continue treating parking revenues as "receipts reserved for appropriation," its legislative body must accept the provisions in the statutes. If the city or town does not use any of the parking revenues it anticipates receiving on or after November 7, 2016 as estimated receipts when setting its fiscal year 2017 tax rate, it may in an acceptance vote taken on or before June 30, 2017 provide that any revenue received on or after November 7, 2016 be credited to the receipts reserved fund. Otherwise, the acceptance will only apply to revenues received on or after the effective date of the vote, or later effective date specified in the vote.

# Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



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

January 24, 2017

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

RECEIVED  
2017 JAN 24 PM 1:06  
TOWN OF FRANKLIN  
TOWN CLERK

## **CERTIFICATE OF VOTE**

Zoning By-Law Amendments:

**17-779: §185-3, Definitions**

**17-780: §185-4, Districts Enumerated**

**17-781: §185-5, Zoning Map: Marijuana Use Overlay District**

**17-782: §185-7, Compliance Required: Use Regulations Schedule**

**17-783: §185-49: Description of Marijuana Use Overlay District**

**Petitioner:** Town Administration

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, January 23, 2017 the Planning Board, upon motion duly made and seconded, voted (5-0) to recommend, *as presented*, the Zoning By-law Amendments #17-779, 17-780, 17-781, 17-82 and 17-783, changes to Chapters 185-3, 4, 5, 7 and 49, Medical Marijuana zoning bylaws.

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

Sincerely,

Anthony Padula  
Chairman

cc: **Town Council**  
Town Administrator  
DPW  
File

**Sponsor:** Administration

**TOWN OF FRANKLIN  
ZONING BY-LAW AMENDMENT 17-779**

**Changes to §185-3. Definitions**

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

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

Chapter 185 of the Code of the Town of Franklin is hereby amended by adding the following into §185-3 Definitions in alphabetical order:

NON-MEDICAL MARIJUANA ESTABLISHMENT.- A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

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

---

**DATED:** \_\_\_\_\_, 2017

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

**A True Record Attest:**

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

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

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

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

---

**Judith Pond Pfeffer, Clerk**

TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 17-780
Changes to § 185-4 Districts Enumerated

A ZONING BY-LAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN
AT CHAPTER 185, SECTION 4, DISTRICTS ENUMERATED, RE:
MARIJUANA USE OVERLAY DISTRICT

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by deleting
and adding the following text at §185-4. Districts Enumerated:

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

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

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: \_\_\_\_\_, 2017

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

A True Record Attest:

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

ABSTAIN \_\_\_\_\_

Teresa M. Burr
Town Clerk

ABSENT \_\_\_\_\_

\_\_\_\_\_  
Judith Pond Pfeffer, Clerk

**TOWN OF FRANKLIN**

**ZONING BY-LAW AMENDMENT 17-781**

**MARIJUANA USE OVERLAY DISTRICT**

**Changes to § 185-5 Zoning Map**

**A ZONING BY-LAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 185 SECTION 5, ZONING MAP, RE: MARIJUANA USE OVERLAY DISTRICT.**

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

Chapter 185 of 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 deleting the Medical Marijuana Use Overlay District, and by creating an overlay zoning district to be known as the Marijuana Use Overlay District. The Marijuana Use Overlay District shall consist of those parcels of land zoned industrial that are located south or west of the sideline of Interstate 495; and which are not within 500 feet of a public or private school, and not within 200 feet of a residential zoning district, library, church, child-care facility, park, and playground. The 500 feet and 200 feet distances shall be measured from all property lines of the proposed use; State Forest land shall not be considered when determining the proximity of a parcel to a residential zoning district.

This District is delineated on the map entitled “Marijuana Use Overlay District” and created under 185-4 Districts Enumerated.

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:** \_\_\_\_\_, 2017

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

**A True Record Attest:**

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

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

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

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

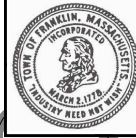
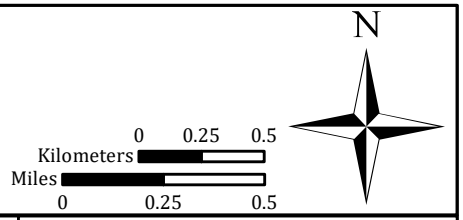
\_\_\_\_\_  
**Judith Pond Pfeffer, Clerk**

# MARIJUANA USE OVERLAY DISTRICTS

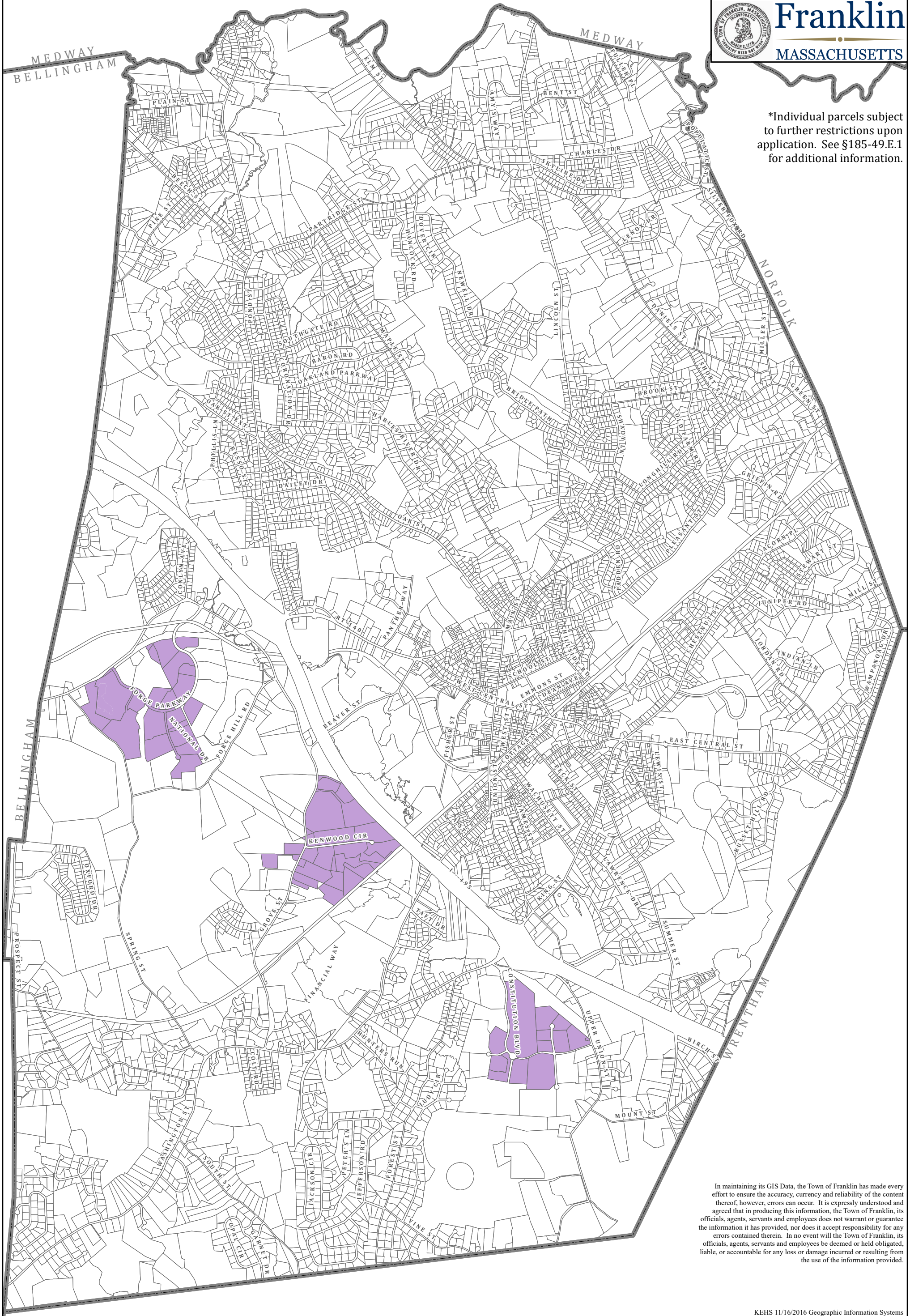
■ Marijuana Use Overlay District\*

□ Parcel Line

⊕ Municipal Boundary



**Franklin**  
MASSACHUSETTS



\*Individual parcels subject to further restrictions upon application. See §185-49.E.1 for additional information.

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.

**Sponsor:** *Administration*

**TOWN OF FRANKLIN**

**ZONING BY-LAW AMENDMENT 17-782**

**Changes to §185-7 Compliance required.**

**A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 7 OF THE CODE OF THE  
TOWN OF FRANKLIN**

Note: Within this section, changes are shown in **Bold** type to retain the readability of the document, and appear as additions (**xyz**) and as deletions (~~xyz~~).

**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 §185-7. Compliance required:



185 Attachment 3  
USE REGULATION SCHEDULE  
PART II (Continued)

Principal Uses	District													
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O
2.10 Shopping center	N	N	N	N	N	N	N	PB	PB	N	PB	N	N	N
2.11 Storage facility	N	N	N	N	N	N	N	N	PB	N	N	N	N	N
2.12 Tattoo parlor/body-piercing studio	N	N	N	N	N	N	N	N	N	N	N	PB	N	N
2.13 Tourist home	PB	PB	P/SP	P/SP	P/SP	P/SP	N	P/SP	P/SP	N	P/SP	N	N	N
2.14 Office park	N	N	N	N	N	PB	N	PB	PB	N	PB	PB	N	Y
2.15 Other retail sales, services														
a. General	N	N	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	N <sup>4</sup>	N <sup>4</sup>	N <sup>4</sup>
b. Personal	N	N	N	N	N	P/SP <sup>5</sup>	N <sup>4</sup>	P/SP	P/SP	P/SP	P/SP	N <sup>4</sup>	N <sup>4</sup>	N <sup>4</sup>
c. Other	N	N	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	N <sup>4</sup>	N <sup>4</sup>	N <sup>4</sup>
2.16 Vehicular service establishment	N	N	N	N	N	N	N	PB	PB	PB	PB	N	N	N
2.17 Trade center	N	N	N	N	N	N	N	N	N	N	N	N	P/SP	PB
2.18 Catering	PB	PB	PB	PB	PB	PB	N	PB	PB	PB	PB	Y	Y	N
2.19 Function Hall	PB	N	PB	PB	PB	PB	N	PB	PB	PB	PB	Y	Y	N
2.20 Psychic services/fortune-telling	N	N	N	N	N	PB	N	N	N	N	N	PB	N	N
2.21 Bed-and-breakfast	PB	PB	P/SP	P/SP	P/SP	P/SP	N	P/SP	P/SP	P/SP	P/SP	N	N	N
2.22 Country Store	N	N	N	N	N	Y	PB	Y	Y	N	Y	N	N	N
<b>2.23 Non-Medical Marijuana Facility</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>PB<sup>7</sup></b>	<b>N</b>	<b>N</b>

NOTES:

1. If any part of a principal use is considered a VSE (see § 185-3, Definitions), the requirements for VSE must be met.
2. Except as permitted by a special permit within the Adult Use Overlay District as described in § 185-47.
3. Except BA if involving live or mechanical entertainment.
4. Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule, Part VII, Accessory Uses.
5. Establishments are limited to a maximum gross building footprint of 2,800 square feet.
6. Not allowed on sidewalk level in multilevel development.

**7. Non-Medical Marijuana Facilities may be permitted by Planning Board special permit in portions of the Industrial Zone which are in the Marijuana Use Overlay District, see §185-49.**

185 Attachment 5  
USE REGULATION SCHEDULE  
PART IV

Symbols in the Use Regulations Schedule shall mean the following:

- Y = A permitted use.
- N = An excluded or prohibited use.
- BA = A use authorized under special permit from the Board of Appeals.
- PB = A use authorized under special permit from the Planning Board.
- P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

Principal Uses	District													
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CH	DC	B	I	LI	O
4. Institutional														
4.1 Cemetery	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N
4.2 Hospital	N	N	N	N	N	N	N	N	PB	N	PB	PB	N	N
a. Medical Marijuana Treatment Facility	N	N	N	N	N	N	N	N	N	N	N	Y <sup>4</sup> PB <sup>4</sup>	N	N
b. Medical Marijuana Testing Facility	N	N	N	N	N	N	N	N	N	N	N	Y <sup>4</sup> PB <sup>4</sup>	N	N
4.3 Charitable institution	N	N	N	PB	PB	N	Y	Y	PB	N	N	N	N	N
4.4 Correctional facility	N	N	N	N	N	N	N	N	N	N	N	BA	N	N
4.5 Library, museum, art gallery	N	Y	Y	Y	N	N	Y	Y	Y	Y	Y	N	N	N
4.6 Lodge, social nonprofit	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N
4.7 Public use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N <sup>3</sup>	N	N <sup>3</sup>
a. Municipal public safety	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.8 Religious or educational use:														
a. Exempt from zoning prohibition <sup>2</sup>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
b. Dormitories	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N

NOTES:

1. But not including any use, the principal activity of which is one customarily conducted as a business.
2. See MGL c. 40A, § 3.
3. Except for municipal public safety.

4. Medical Marijuana Treatment Facilities and Testing Facilities ~~are permitted~~ may be permitted by Planning Board special permit in portions of the Industrial Zone which are in the ~~Medical~~ Marijuana Use Overlay District, see §185-49.

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:** \_\_\_\_\_, 2017

**VOTED:**

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

**A True Record Attest:**

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

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

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

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

---

**Judith Pond Pfeffer, Clerk**

**TOWN OF FRANKLIN**

**ZONING BY-LAW AMENDMENT 17-783**

**MARIJUANA USE OVERLAY DISTRICT**

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT  
CHAPTER 185, SECTION 49.**

**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 text of §185-49. Medical Marijuana Use Overlay District, and by adding in its place the following §185-49. Marijuana Use Overlay District:

§185-49. Marijuana Use Overlay District.

1. Purpose and Intent.
  - a. This section is adopted with the purpose and intent of establishing zoning to allow the use of medical marijuana treatment centers, medical marijuana testing facilities, and non-medical marijuana facilities in the Town of Franklin.
2. Applicability. This §185-49 applies to the following:
  - a. All medical marijuana uses as defined in the Session Laws of The Commonwealth of Massachusetts Chapter 369 of the Acts of 2012 and medical marijuana testing facilities as regulated within this section and defined in §185-3.
    - i. No action taken under the enforcement powers of this chapter shall be in contradiction to the provisions of Chapter 369 of the Acts of 2012 as adopted or amended.
  - b. All Non-Medical Marijuana Establishments.
3. Establishment of the marijuana use overlay district and relationship to underlying districts.
  - a. The marijuana use overlay district is established as a district which overlays the underlying districts, so that any parcel of land underlying in the marijuana use overlay district shall also lie in one or more of the other zoning district in which it was previously classified, as provided for in this Zoning Bylaw.
4. Permitted uses.
  - a. Uses allowed by right. The following uses are allowed as of right within the marijuana use overlay district:

- i. All uses permitted as of right in the underlying base zoning district.
- b. Uses allowed by Special Permit. The following uses may be allowed within the marijuana use overlay district by Planning Board special permit:
  - i. Medical Marijuana Treatment Facility.
  - ii. Medical Marijuana Testing Facility.
  - iii. Non-Medical Marijuana Establishment.

5. Location.

- a. The marijuana use overlay district consists of those parcels of land zoned industrial that are located south or west of the sideline of Interstate 495; and which are not within 500 feet of a public or private school, and not within 200 feet of a residential zoning district, library, church, child-care facility, park, and playground. The 500 feet and 200 feet distances shall be measured from all property lines of the proposed use; State Forest land shall not be considered when determining the proximity of a parcel to a residential zoning district.
- b. This District is delineated on the map entitled “Marijuana Use Overlay District” and created under 185-4 Districts Enumerated.

6. Severability.

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

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:** \_\_\_\_\_, 2017

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

**A True Record Attest:**

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

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

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

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

**Judith Pond Pfeffer, Clerk**

# Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



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

February 8, 2017

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

RECEIVED  
2017 FEB - 8 AM 10:04  
TOWN OF FRANKLIN

## **CERTIFICATE OF VOTE**

Zoning By-law Amendment #17-786  
Chapter 185-7. Use Regulation Schedule Part II

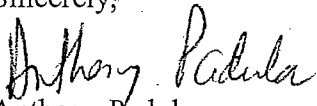
**Petitioner:** Town Administration

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, February 6, 2017 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to recommend, *as presented*, the Zoning By-law Amendment #17-786, changes to Chapter 185-7, Use Regulation Schedule Part II.

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

Sincerely,

  
Anthony Padula  
Chairman

cc: Town Council  
Town Administrator

Sponsor: *Administration*

**TOWN OF FRANKLIN**

**ZONING BY-LAW AMENDMENT 17-786**

**Changes to §185-7 Compliance required, Storage Facility**

**A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 7 OF THE CODE OF THE  
TOWN OF FRANKLIN**

Note: Within this section, changes are shown in **Bold** type to retain the readability of the document, and appear as additions (**xyz**) and as deletions (~~xyz~~).

**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 §185-7. Compliance required:

185 Attachment 3  
USE REGULATION SCHEDULE  
PART II

Symbols in the Use Regulations Schedule shall mean the following:

- Y = A permitted use.
- N = An excluded or prohibited use.
- BA = A use authorized under special permit from the Board of Appeals.
- PB = A use authorized under special permit from the Planning Board.
- P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

Principal Uses	District																			
	RR	RI	RRU	RV	RVII	SF	RIII	SF	RIV	GR	NC	RB	CI	CH	DC	B	I	LI	O	
2. Commercial																				
2.1 Adult entertainment establishment	N		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N <sup>2</sup>	N	N	N
2.2 Animal kennel, hospital	BA		BA	BA	BA	BA	BA	BA	BA	BA	BA	N	BA	BA	N	BA	BA	BA	BA	BA
2.21 Animal day care, training	BA		BA	BA	BA	BA	BA	BA	BA	BA	BA	N	BA	BA	N	BA	BA	BA	BA	BA
2.22 Animal grooming	BA		BA	BA	BA	BA	BA	BA	BA	BA	BA	N	Y	BA	Y	BA	BA	BA	BA	BA
2.3 Office, excluding office parks:																				
a. Bank or credit union	N		N	PB	PB	PB	PB	PB	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y	Y
b. Medical or dental	PB		PB	PB	PB	PB	PB	PB	PB	PB	PB	N	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP
c. Professional	PB		PB	PB	PB	PB	PB	PB	PB	PB	PB	N	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP
d. Clerical, or administrative	N		N	N	N	N	N	N	N	N	N	N	Y <sup>6</sup>	Y	Y	Y	Y	Y	Y	Y
2.4 Funeral home, undertaking	N		N	N	N	N	N	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	N	N	N	N
2.5 Hotel, motel	N		N	N	N	N	N	N	N	N	N	N	PB	PB	Y	PB	PB	PB	PB	PB
2.6 Motor vehicle, boat, farm implement sales; rental and leasing:																				
a. With repair service	N		N	N	N	N	N	N	N	N	N	N	N	PB	N	N	N	N	N	N
b. Without repair service	N		N	N	N	N	N	N	N	N	N	N	N	PB	N	PB	N	N	N	N
c. Other	N		N	N	N	N	N	N	N	N	N	N	N	PB	N	N	N	N	N	N
2.7 Motor vehicle service, repair:																				
a. Auto body, painting, soldering, welding	N		N	N	N	N	N	N	N	N	N	N	N	PB	N	N	PB	N	N	N
b. Filling or service station	N		N	N	N	N	N	N	N	N	N	N	PB	PB	N	PB	PB	N	N	N
c. Other	N		N	N	N	N	N	N	N	N	N	N	PB	PB	N	PB	PB	N	N	N
2.8 Parking																				
a. Parking facility	N		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
b. Off-street parking	N		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
2.9 Restaurant, bar	N		N	N	N	N	N	N	N	N	N	N	P/SP <sup>3</sup>	P/SP	P/SP <sup>3</sup>	P/SP	PB	N <sup>4</sup>	PB	PB



185 Attachment 3  
USE REGULATION SCHEDULE  
PART II (Continued)

Principal Uses	District													
	RR RV	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O
2.10 Shopping center	N	N	N	N	N	N	N	PB	PB	N	PB	N	N	N
2.11 Storage facility	N	N	N	N	N	N	N	N	PB	N	N	N	N	N
2.12 Tattoo parlor/body-piercing studio	N	N	N	N	N	N	N	N	N	N	N	N	N	N
2.13 Tourist home	PB	PB	P/SP	P/SP	P/SP	P/SP	N	P/SP	P/SP	N	P/SP	N	N	N
2.14 Office park	N	N	N	N	N	PB	N	PB	PB	N	PB	N	N	Y
2.15 Other retail sales, services														
a. General	N	N	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	N <sup>d</sup>	N <sup>d</sup>	N <sup>d</sup>
b. Personal	N	N	N	N	N	P/SP <sup>6</sup>	N <sup>d</sup>	P/SP	P/SP	P/SP	P/SP	N <sup>d</sup>	N <sup>d</sup>	N <sup>d</sup>
c. Other	N	N	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	N <sup>d</sup>	N <sup>d</sup>	N <sup>d</sup>
2.16 Vehicular service establishment	N	N	N	N	N	N	N	PB	PB	PB	PB	N	N	N
2.17 Trade center	PB	PB	PB	PB	PB	PB	N	N	N	N	N	N	P/SP	PB
2.18 Catering	PB	PB	PB	PB	PB	PB	N	PB	PB	PB	PB	Y	Y	N
2.19 Function Hall	N	N	N	N	N	PB	N	PB	PB	PB	PB	Y	Y	N
2.20 Psychic services/fortune-telling	N	N	N	N	N	PB	N	N	N	N	N	N	N	N
2.21 Bed-and-breakfast	PB	PB	P/SP	P/SP	P/SP	P/SP	N	P/SP	P/SP	P/SP	P/SP	N	N	N
2.22 Country Store	N	N	N	N	N	Y	PB	Y	Y	N	Y	N	N	N

NOTES:

1. If any part of a principal use is considered a VSE (see § 185-3, Definitions), the requirements for VSE must be met.
2. Except as permitted by a special permit within the Adult Use Overlay District as described in § 185-47.
3. Except BA, if involving live or mechanical entertainment.
4. Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule, Part VII, Accessory Uses.
5. Establishments are limited to a maximum gross building footprint of 2,800 square feet.
6. Not allowed on sidewalk level in multilevel development.

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: \_\_\_\_\_, 2017

VOTED:

UNANIMOUS \_\_\_\_\_

A True Record Attest:

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

Teresa M. Burr  
Town Clerk

ABSTAIN \_\_\_\_\_

ABSENT \_\_\_\_\_

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Judith Pond Pfeffer, 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:** PROPOSED ZONING BYLAW AMENDMENT, STORAGE FACILITY  
**CC:** JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR  
GUS BROWN, BUILDING COMMISSIONER  
AMY LOVE, PLANNER  
**DATE:** DECEMBER 28, 2016

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As you know the Department of Planning and Community Development has been asked to develop a draft Zoning Bylaw amendment that would change the locations in which storage facilities can be located within the community. This change can be implemented with fairly simple changes to Attachment 4 of the Town of Franklin's Zoning Bylaw, Use Regulations Schedule Part III.

Attached is a draft Zoning Bylaw Amendment for consideration. Currently storage facilities may be allowed within the Commercial II Zoning District with a Planning Board special permit. The proposed Zoning Bylaw Amendment would delete the Storage Facility use from the Commercial II district, and add it to the Industrial Zoning District.

Please let me know if you have questions.