

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

TO: JEFFREY D. NUTTING, TOWN ADMINISTRATOR
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: ZONING BYLAW AMENDMENTS FOR GROUND-MOUNTED SOLAR ENERGY SYSTEMS, AND RELATED ISSUES
CC: FRANKLIN PLANNING BOARD
JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR
GUS BROWN, ZONING ENFORCEMENT
AMY LOVE, PLANNER
DATE: MAY 15, 2018

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

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

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

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

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

Zoning Bylaw Amendment 18-810

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

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

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

Zoning Bylaw Amendment 18-811

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

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

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

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

Zoning Bylaw Amendment 18-812

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

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

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

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

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

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



SPONSOR: Administration

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 18-810

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

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

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by the following **deletions** and **additions** to §185-3 Definitions:

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

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

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

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

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

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

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

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

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

DATED: _____, 2018

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Teresa M. Burr
Town Clerk

ABSENT _____

Glenn Jones, Clerk

Town of Franklin



TOWN OF FRANKLIN
TOWN CLERK

2018 JUN 11 A 9:09

RECEIVED

Planning Board

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

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

ZONING BY-LAW AMENDMENT 18-810

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

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

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by the following additions to §185-3 Definitions:

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

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

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

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

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

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

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

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

Anthony Padula, Chairman
Franklin Planning Board

Matt Kelly, Chairman
Franklin Town Council

Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



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

TOWN OF FRANKLIN
TOWN CLERK
2018 JUL 10 A 9:20
RECEIVED

July 10, 2018

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

CERTIFICATE OF VOTE

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

Petitioner: Town Administration

Dear Mrs. Burr:

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

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

Sincerely,

Anthony Padula
Chairman, Planning Board

cc: Town Council
Town Administrator
Deputy Town Administrator