

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

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

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

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

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

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

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

Zoning Bylaw Amendment 18-810

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

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

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

Zoning Bylaw Amendment 18-811

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

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

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

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

Zoning Bylaw Amendment 18-812

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

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

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

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

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

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



SPONSOR: *Administration*

TOWN OF FRANKLIN

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

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

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

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

§185-19. Accessory buildings and structures

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

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

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

C. Swimming Pools.

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

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

D. Free standing signs.

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

E. Ground-mounted solar energy systems.

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

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

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

DATED: _____, 2018

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

A True Record Attest:

Teresa M. Burr
Town Clerk

Glenn Jones, Clerk

Town of Franklin



Planning Board

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

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

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

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

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

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

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

§185-19. Accessory buildings and structures

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4. No accessory building or structures shall be less than a distance equal to the common building height to common grade to any rear or side lot line.
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D. Free standing signs.

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

E. Ground-mounted solar energy systems.

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

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

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

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

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 #18-811
Accessory Building and Structures §185-19

Petitioner: Town Administration

Dear Mrs. Burr:

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

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

Sincerely,

Anthony Padula
Chairman, Planning Board

cc: Town Council
Town Administrator
Deputy Town Administrator