

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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FRANKLIN, MA 02038-1352
TELEPHONE: 508-520-4907
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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 18-812: GROUND-MOUNTED
SOLAR ENERGY SYSTEM USE REGULATIONS,**

**CHANGES TO CHAPTER 185, USE REGULATIONS
SCHEDULE PART III AND PART VII**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by the following **additions** to §185 Use Regulations Schedule Part III and Part VII, Attachment 4 and Attachment 8:

185 Attachment 4
USE REGULATION SCHEDULE
PART III

Symbols in the Use Regulations Schedule shall mean the following:

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

| Principal Uses | District | | | | | | | | | | | | | | | |
|--|----------|------------|------------|-------------|-----------|-----|----|----------------|------|------|------|----------------|------|------|------|------|
| | RR RV | RRR RVV | RRR RVV | SFR RVII | SFR RV | GRV | NC | RB | CI | CII | DC | B | I | LI | O | |
| 3. Industrial, utility | | | | | | | | | | | | | | | | |
| 3.1 Bus, railroad station | N | | | N | N | N | N | N | P/SP | P/SP | P/SP | P/SP | P/SP | P/SP | P/SP | P/SP |
| 3.2 Contractor's yard | | | | | | | | | | | | | | | | |
| a. Landscape materials storage and distribution | N | | | N | N | N | N | N ⁷ | N | N | N | N ⁷ | P/SP | N | N | N |
| b. Other | N | | | N | N | N | N | N | N | N | N | N ⁷ | P/SP | N | N | N |
| 3.3 Earth removal | | | | | | | | | | | | | | | | |
| a. Earth removal, commercial ^{1,3,6} | N | | | N | N | N | N | N | BA | BA | N | BA | BA | BA | BA | BA |
| b. Earth removal, other ⁴ | BA | | | BA | BA | BA | BA | BA | BA | BA | BA | BA | BA | BA | BA | BA |
| c. Rock quarrying | N | | | N | N | N | N | N | N | N | N | N | N | N | N | N |
| d. Washing, sorting and/or crushing or processing of materials | N | | | N | N | N | N | N | N | N | N | N | N | N | N | N |
| e. Production of concrete | N | | | N | N | N | N | N | N | N | N | N | N | N | N | N |
| f. Production of bituminous concrete | N | | | N | N | N | N | N | N | N | N | N | N | N | N | N |
| 3.4 Lumberyard | | | | | | | | | | | | | | | | |
| 3.5 Manufacturing and Processing: | | | | | | | | | | | | | | | | |
| a. Biotechnology ¹ | N | | | N | N | N | N | N | N | N | N | N | Y | N | Y | Y |
| b. Light | N | | | N | N | N | N | N | PB | PB | PB | PB | P/SP | N | PB | PB |
| c. Medium | N | | | N | N | N | N | N | N | N | N | N | P/SP | N | N | N |
| d. Heavy | N | | | N | N | N | N | N | N | N | N | N | N | N | N | N |
| 3.6 Printing, publishing: | | | | | | | | | | | | | | | | |
| a. Under 5,000 square feet | N | | | N | N | N | N | N | P/SP | P/SP | P/SP | P/SP | P/SP | N | P/SP | P/SP |
| b. Over 5,000 square feet | N | | | N | N | N | N | N | N | N | N | P/SP | P/SP | N | PB | PB |

185 Attachment 4
 USE REGULATION SCHEDULE
 PART III (Continued)

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

- NOTES:
- Subject to § 185-42.
 - Biotechnology uses are permitted in the portions of the Industrial District and Office District which are in the Biotechnology Uses Overlay District.
 - See § 185-23, specifically, § 185-23A, Exemptions.
 - See § 185-44, "Administration and enforcement" for general special permit filing information, and § 185-23, Earth removal regulations, for specific filing information.
 - Any commercial earth removal is not permitted within a Water Resource District.
 - See § 185-3 for "commercial earth removal" definition.
 - Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule, Part VII, Accessory Uses.
 - Planning Board Site Plan Review is required of all Medium-scale and Large-scale Ground-mounted Solar Energy Systems.**

185 Attachment 8
USE REGULATION SCHEDULE
PART VII

Symbols in the Use Regulations Schedule shall mean the following:

Y = A permitted use.

N = An excluded or prohibited use.

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

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

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

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

NOTES:

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

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

DATED: _____, 2018

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

Teresa M. Burr
Town Clerk

ABSTAIN _____

ABSENT _____

Glenn Jones, Clerk

Town of Franklin



Planning Board

TOWN OF FRANKLIN
TOWN CLERK

2018 JUN 11 A 9:08

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, Attachments 4 & 8, Zoning By-Law of the Code of the Town of Franklin as follows:

ZONING BY-LAW AMENDMENT 18-812:

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

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

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

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

Anthony Padula, Chairman
Franklin Planning Board

Matt Kelly, Chairman
Franklin Town Council

Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



TOWN OF FRANKLIN
TOWN CLERK

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

July 10, 2018

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

CERTIFICATE OF VOTE

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

Petitioner: Town Administration

Dear Mrs. Burr:

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

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

Sincerely,

Anthony Padula
Chairman, Planning Board

cc: Town Council
Town Administrator
Deputy Town Administrator