

Town of Franklin

Town Administrator
Tel: (508) 520-4949



Fax: (508) 520-4903

355 East Central Street
Franklin, Massachusetts 02038-1352

Date: December 13, 2018

To: Town Council

From: Jamie Hellen

Re: Clark, Cutler, McDermott property and neighborhood Rezone

The following zoning bylaw amendment is to rezone the Clark, Culter, McDermott property and some adjacent properties from Industrial to a new zone called "Mixed Business Innovation District". The action requested of the Council tonight is to refer the zoning amendments to the Planning Board for a public hearing. The EDC voted 3-1 to refer this proposal to the full Council.

The Mixed Business Innovation District definition would expand the amount of uses substantially. The Mixed Business Innovation District (MBI) is intended primarily for a mix of light Industrial and Commercial uses in an older industrial neighborhood. A strong emphasis is placed on encouraging reuse and redevelopment of older manufacturing and warehouse buildings, providing for a wide range of light industrial, commercial, cultural, institutional, or entertainment uses, including business incubator, co-working space, studio space, artisanal or craft maker space, art galleries, public art, performance venues, restaurants, cafes and retail that create and support a diverse economically and culturally rich environment. Residential uses and heavy manufacturing uses are not allowed.

The district would constrict the current Industrial uses by taking out heavy manufacturing and hazmat and chemical related uses to reduce heavy traffic, noise and dangerous chemicals from any potential reuse on that site.

Given the great residential neighborhoods around downtown, and the new units on Dean Ave and throughout the Alpine neighborhood, we see a need for additional commercial activity for amenities in downtown. The Planning Department has spoken to all of the property owners affected (except one) and they support this concept. Also, the Downtown Partnership supports this zoning concept.

The Clark, Cutler, McDermott property is currently in bankruptcy court. As of this date, there are potential buyers who have made offers and are working through the court proceedings and with General Motors on the final price. The Trustees of the property are aware of this zoning proposal and are very much in favor of the concept, and "it's the right thing to do".

See attached planning department memo for specifics. Please feel free to call with any questions.

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 MIXED BUSINESS INNOVATION ZONING DISTRICT
FISHER AND HAYWARD STREETS**
**CC: JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR;
MARK CEREL, TOWN ATTORNEY; GUS BROWN, BUILDING COMMISSIONER;
AMY LOVE, PLANNER; MAXINE KINHART**
DATE: NOVEMBER 27, 2018

As you know the Department of Planning and Community Development (DPCD) has been working on rezoning concepts for the former Clark Cutler McDermott (CCM) property on West Central, Fisher and Hayward Streets. CCM went bankrupt after decades at that location, and the property is being managed and marketed by a court-appointed Trustee.

The industrial and warehouse/distribution property is currently underutilized, and the Trustee has struggled to obtain a buyer. In addition to the CCM properties, there are several adjacent industrially-zoned parcels that are either in need of redevelopment or currently being utilized for non-Industrial uses. DPCD recommends rezoning seven industrial parcels on or near Fisher and Hayward Streets. Attached is a diagram showing the in the area, and a list of parcels proposed for rezoning.

This cluster of industrially-zoned properties is surrounded by residential neighborhoods that could be negatively impacted if any of the seven industrial parcels were utilized for heavy manufacturing, which is allowed by right in the Town's Industrial Zoning District. For this reason DPCD proposes to rezone the seven parcels from the Industrial Zoning District to a zoning district that would eliminate heavy industrial uses and permit uses that would have less impact on adjacent residential neighborhoods.

DPCD has struggled with rezoning to a current Zoning District; for that reason a new Zoning District has been drafted. DPCD proposes creation of a new Mixed Business Innovation (MBI) Zoning District that allows the current level of manufacturing and warehouse/distribution uses at the CCM properties, allows for a greater range of uses by-right or by special permit, and increases the likelihood of the property being redeveloped.

Given the area's proximity to the Downtown and the Franklin Cultural District, DPCD has included a wide variety of uses that could support reinvestment and reuse of the properties for light industrial, commercial, arts and cultural, institutional, or entertainment uses. Some of the uses DPCD recommends allowing by-right or by Planning Board special permit include art

galleries, performance venues, studio space, artisanal or craft maker space, research and development, business incubator and co-working space, restaurants, cafes, services and retail.

Attached are the following for consideration:

- Diagram of the area showing the current and proposed zoning;
- List of parcels proposed for rezoning from Industrial (I) to the new Mixed Business Innovation (MBI) Zoning District;
- A summary of the Zoning By-law Amendments required to create the new Mixed Business Innovation Zoning District, including mention of the more important Zoning Bylaw changes being proposed; and
- The following Zoning Bylaw Amendments:
 - Zoning Bylaw Amendment 19-829: Districts Enumerated. Creation of Mixed Business Innovation Zoning District
 - Zoning Bylaw Amendment 19-830: Mixed Business Innovation Zone Use Regulations
 - Zoning Bylaw Amendment 19-831: Mixed Business Innovation Zone Dimensional Regulations
 - Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs, Mixed Business Innovation Zoning District
 - Zoning Map Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation an Area on or near Fisher and Hayward Streets
 - Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District.

If the Economic Development Committee supports the rezoning concept DPCD recommends they refer Zoning By-law Amendments 18-829 through 19-834 to the Town Council for a presentation, and eventually referral to the Planning Board for a public hearing. Please let me know if you have questions or require additional information for clarification.

Proposed Zoning Map Amendment

From Industrial To Mixed Business Innovation

An Area On Or Near Fisher, Hayward and McCarthy Streets

Parcel	Address	Property Owner	Size (Acres)	Current Zoning	Proposed Zoning
278-016-000-000	5 Fisher Street	CCMcD Property LLC	14.75000	I	MBI
278-024-000-000	31 Hayward Street	Moseley Realty LLC	7.55000	I	MBI
278-024-001-000	Hayward Street	Moseley Realty LLC	1.69000	I	MBI
278-025-000-000	90 Hayward Street	CFS Realty Corporation	3.39400	I	MBI
287-115-000-000	145 Fisher Street	A.J. Lambaiase. J A G Realty	3.78600	I	MBI
287-116-000-000	131 Fisher Street	A.J. Lambaiase. P. Lambaiase	0.79171	I	MBI
287-126-000-000	42 Hayward Street	CCMcD Property LLC	3.56700	I	MBI
Total Area			35.52871		

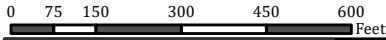
I = Industrial Zoning District

MBI = Mixed Business Innovation Zoning District

Proposed Mixed Business Innovation Zoning District

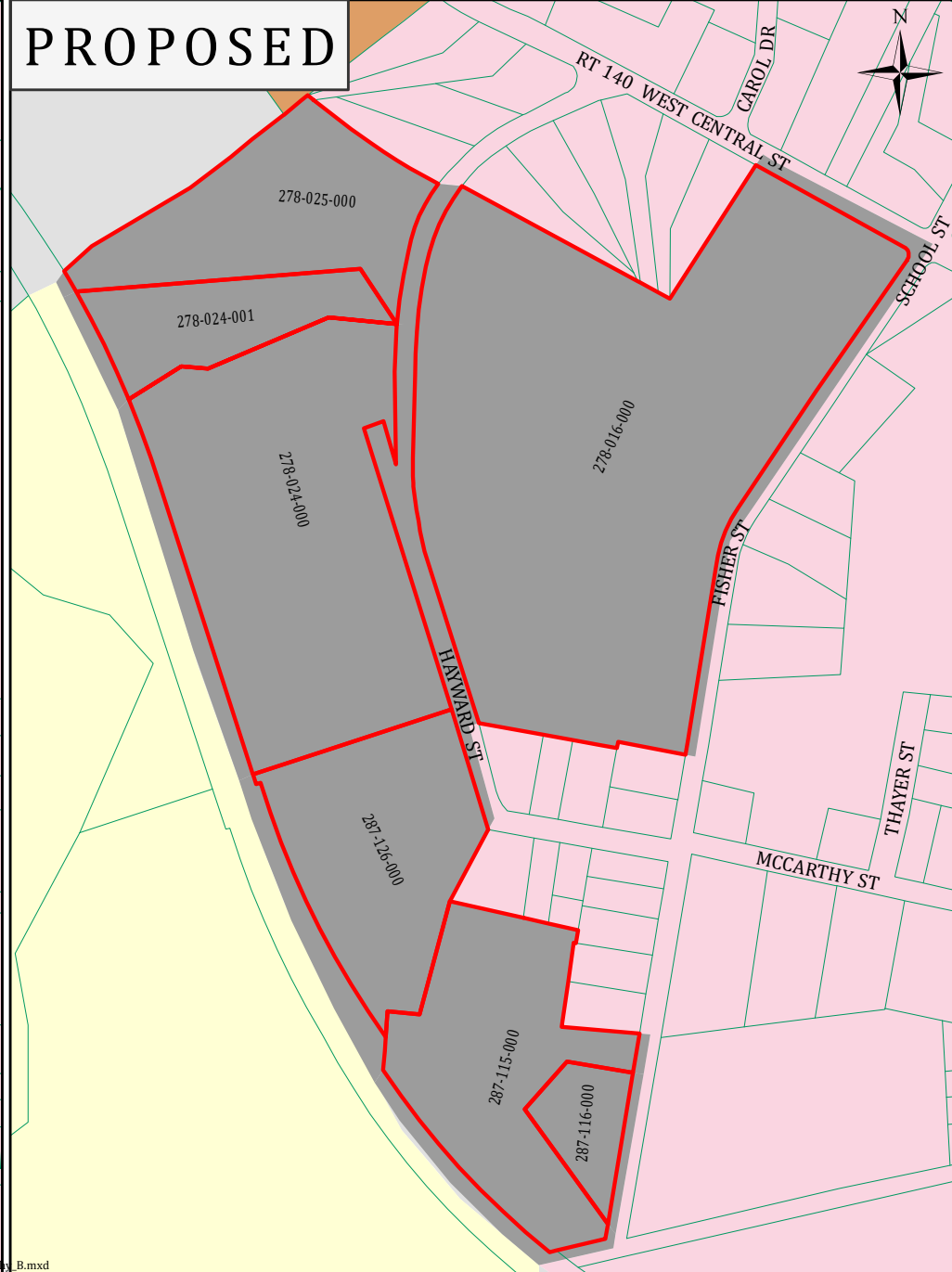
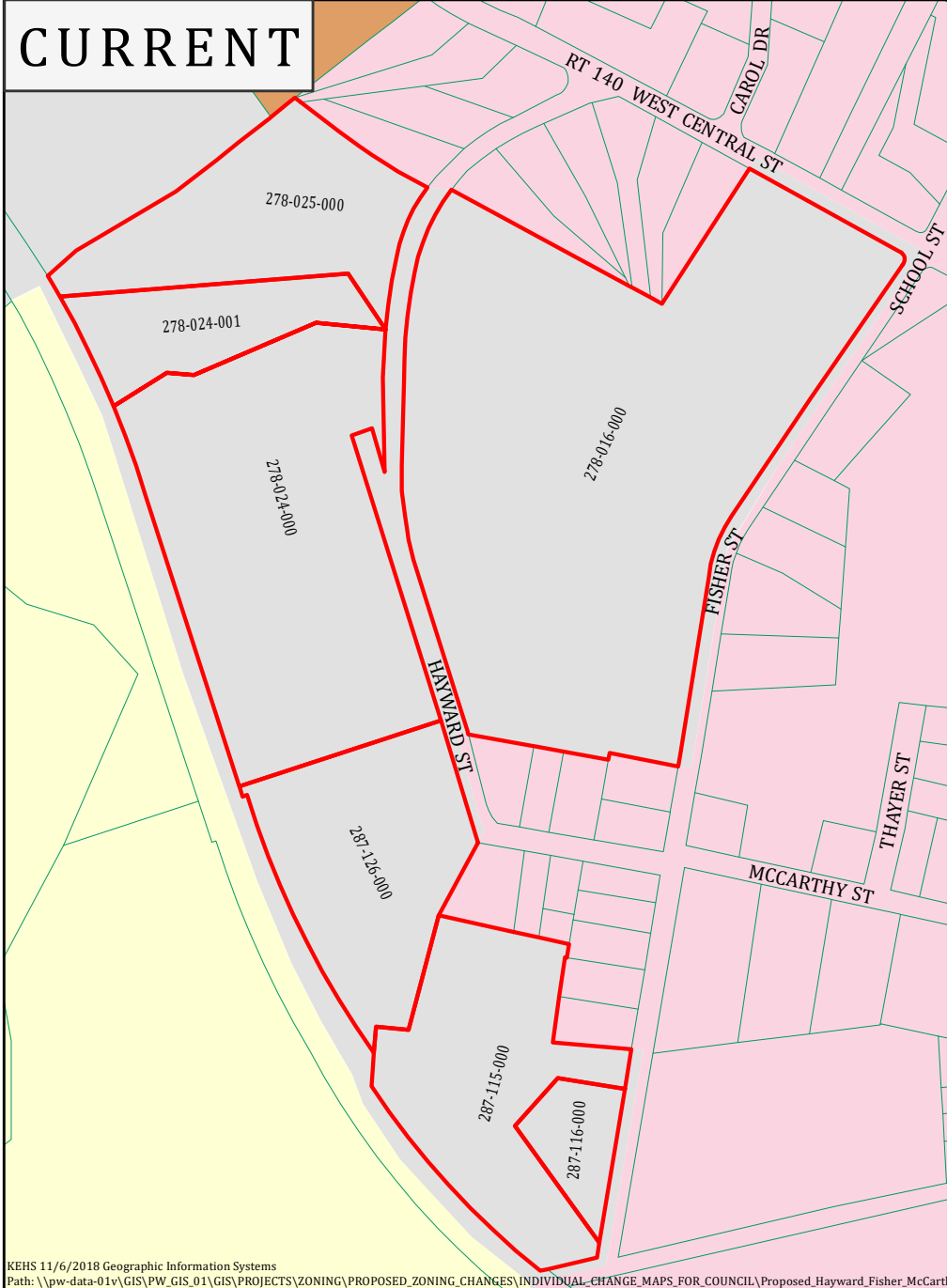
- General Residential V
- Rural Residential I
- Industrial
- Single-Family IV
- Mixed Business Innovation
- Area of Proposed Change
- Parcel Line

November 27, 2018



CURRENT

PROPOSED



PROPOSED MIXED BUSINESS INNOVATION ZONE SUMMARY OF ZONING AMENDMENTS

The Department of Planning and Community Development (DPCD) has developed the following summary to outline Zoning Bylaw Amendments required to create a new Mixed Business Innovation Zoning District. Rezoning the former Clark Cutler McDermott (CCM) properties and several adjacent parcels on Fisher and Hayward Streets from Industrial (I) to the proposed Mixed Business Innovation (MBI) Zoning District will increase the likelihood that the properties will be redeveloped.

The new Mixed Business Innovation (MBI) Zoning District would allow the continued medium and light manufacturing and warehouse/distribution uses, while allowing a much greater number of additional commercial uses.

Zoning Bylaw Amendment 19-829: Districts Enumerated. Creation of Mixed Business Innovation Zoning District

Zoning Bylaw Amendment 19-829 creates the Mixed Business Innovation (MBI) Zoning District by adding its name and a description of intent to §185-4 of the Zoning Bylaw. As mentioned above the intent of the new Zoning District is to allow existing manufacturing and warehouse/distribution uses, and also allow a much greater range of allowed commercial uses.

The specific intent wording is as follows:

The Mixed Business Innovation District (MBI) is intended primarily for a mix of light industrial and commercial uses in an older industrial neighborhood. A strong emphasis is placed on encouraging reuse and redevelopment of older manufacturing and warehouse buildings, providing for a wide range of light industrial, commercial, cultural, institutional, or entertainment uses, including business incubator, co-working space, studio space, artisanal or craft maker space, art galleries, public art, performance venues, restaurants, cafes and retail that create and support a diverse economically and culturally rich environment. Residential uses and heavy manufacturing uses are not allowed.

Zoning Bylaw Amendment 19-830: Mixed Business Innovation Zone Use Regulations

Zoning Bylaw Amendment 19-830 adds the MBI Zoning District to the Use Regulations Schedule (Part I through Part VII) in Attachments 2 through 8 of the Town's Zoning Bylaw. Given the substantial residential neighborhoods adjacent to the proposed MBI district, the new zoning district would eliminate heavy industrial uses and permit less undesirable uses.

In addition to adding a column for the MBI district to the Use Regulations Schedule, Zoning Bylaw Amendment 19-830 adds three uses to the Use Regulations Schedule: 1.) Business Incubator and Co-working Space; 2.) Artisanal and Craft Maker Space; and 3.) Art Gallery.

Two notes have been added to the Use Regulations Schedule:

- A note is added to Attachment 3 related to restaurants and retail establishments:
Allowed as part of a commercial mixed-use development. Stand alone restaurants and retail establishments are not allowed.

- A note is added to Attachment 4 related to use of hazardous materials:

All forms, solid, liquid and gas, of the following classes of hazardous materials shall be prohibited from the zone: Corrosives; Organic Peroxides; Oxidizers Pyrophoric; Toxic and Highly toxic; Unstable; and Water Reactive.

This regulatory wording was found necessary to limit the use of hazardous materials of concern, given the proposed MBI Zoning District is directly adjacent to many residential properties.

Zoning Bylaw Amendment 19-831: Mixed Business Innovation Zone Dimensional Regulations

Zoning Bylaw Amendment 19-831 adds the MBI Zoning District to the Zoning Bylaw's Schedule of Lot, Area, Frontage, Yard and Height Requirements in Attachment 9. Dimensional regulations for the proposed Mixed Business Innovation Zoning District are the same as the current Industrial Zoning District with one exception. Currently in the Industrial Zoning District the maximum building height could be as much as 60 feet by Planning Board special permit. The proposed MBI Zoning District would have a maximum building height of 50 feet by Planning Board special permit. The 50 feet maximum is the same as currently allowed in the Business, Commercial I, and Commercial II Zoning Districts.

Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs, Mixed Business Innovation Zoning District

Zoning Bylaw Amendment 19-832 adds the new Mixed Business Innovation Zoning District to the Commercial and Business Corridor (CBC) Sign District. Other zoning districts within the CBC Sign District are Business, Commercial I, Commercial II and Limited Industrial.

Zoning Map Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation an Area on or near Fisher and Hayward Streets

Zoning Map Amendment 19-833 is a simple Zoning Map Amendment changing the seven parcels discussed above from Industrial Zoning District to the new Mixed Business Innovation Zoning District. Owners of the seven parcels are being contacted and informed of the proposed zoning change.

Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District

Zoning Bylaw Amendment 19-834: Updates the Sign District Overlay Map to reflect the Zoning Map changes in Zoning Map Amendment 19-833 above.

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 19-830
MIXED BUSINESS INNOVATION ZONE USE REGULATIONS
A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, USE REGULATION SCHEDULE PART I THROUGH 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, Attachment 2 through Attachment 8 Use Regulations Schedule Part I through Part VII:

185 Attachment 2
USE REGULATION SCHEDULE
PART I

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	CII	DC	B	I	LI	O	MBI
1. Agriculture, horticulture and floriculture															
1.1 Nursery, greenhouse	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	<u>N</u>
1.2 Produce stand ¹	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	<u>N</u>
1.3 Other, parcel of 5 or more acres	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
1.4 Other, parcel under 5 acres:															
a. With swine or fur-bearing animals for commercial use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
b. With other livestock or poultry	Y ²	Y ²	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
c. With no livestock	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	<u>N</u>
1.5 Garden Center, Retail or Wholesale	PB	PB	PB	PB	PB	PB	PB	PB	Y	N	Y	PB	PB	PB	<u>PB</u>

NOTES:

- 1 For sale of produce raised or grown on the premises by the owner or lessee thereof.
 2 Provided that any building or structure is at least 100 feet from the nearest street or property line.

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														
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O	MBI
2. Commercial															
2.1 Adult entertainment establishment	N	N	N	N	N	N	N	N	N	N	N	N ²	N	N	<u>N</u>
2.2 Animal kennel, hospital	BA	BA	BA	BA	BA	BA	N	BA	BA	N	BA	BA	BA	BA	<u>N</u>
2.21 Animal day care, training	BA	BA	BA	BA	BA	BA	N	BA	BA	N	BA	BA	BA	BA	<u>N</u>
2.22 Animal grooming	BA	BA	BA	BA	BA	BA	N	Y	BA	Y	BA	BA	BA	BA	<u>N</u>
2.3 Office, excluding office parks:															
a. Bank or credit union	N	N	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y	Y	<u>N</u>
b. Medical or dental	PB	PB	PB	PB	PB	N	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	<u>P/SP</u>
c. Professional	PB	PB	PB	PB	PB	N	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	<u>P/SP</u>
d. Clerical, or administrative	N	N	N	PB	PB	N	Y ⁶	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
2.4 Funeral home, undertaking	N	N	N	N	N	P/SP	N	P/SP	P/SP	P/SP	P/SP	N	N	N	<u>N</u>
2.5 Hotel, motel	N	N	N	N	N	N	N	PB	PB	Y	PB	PB	PB	PB	<u>N</u>
2.6 Motor vehicle, boat, farm implement sales; rental and leasing:															
a. With repair service	N	N	N	N	N	N	N	N	PB	N	N	N	N	N	<u>N</u>
b. Without repair service	N	N	N	N	N	N	N	N	PB	N	PB	N	N	N	<u>N</u>
c. Other	N	N	N	N	N	N	N	N	PB	N	N	N	N	N	<u>N</u>
2.7 Motor vehicle service, repair:															
a. Auto body, painting, soldering, welding	N	N	N	N	N	N	N	N	PB	N	N	PB	N	N	<u>N</u>
b. Filling or service station	N	N	N	N	N	N	N	PB	PB	N	PB	PB	N	N	<u>N</u>
c. Other	N	N	N	N	N	N	N	PB	PB	N	PB	PB	N	N	<u>N</u>
2.8 Parking															
a. Parking facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
b. Off-street parking	N	N	N	N	N	N	N	N	N	PB	N	N	N	N	<u>N</u>
2.9 Restaurant, bar	N	N	N	N	N	<u>N</u>	N	P/SP ³	P/SP	P/SP ³	P/SP	PB	N ⁴	PB	<u>Y⁸</u>

185 Attachment 3
USE REGULATION SCHEDULE
PART II (Continued)

Principal Uses	District													
	RRI RRII RVI RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O	MBI
2.10 Shopping center	N	N	N	N	N	N	PB	PB	N	PB	N	N	N	N
2.11 Storage facility	N	N	N	N	N	N	N	N	N	N	PB	N	N	N
2.12 Tattoo parlor/body-piercing studio	N	N	N	N	N	N	N	N	N	N	PB	N	N	N
2.13 Tourist home	PB	PB	P/SP	P/SP	P/SP	N	P/SP	P/SP	N	P/SP	N	N	N	N
2.14 Office park	N	N	N	N	PB	N	PB	PB	N	PB	PB	N	Y	PB
2.15 Other retail sales, services														
a. General	N	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	N ⁴	N ⁴	N ⁴	Y ⁸
b. Personal	N	N	N	N	P/SP ⁵	N ⁴	P/SP	P/SP	P/SP	P/SP	N ⁴	N ⁴	N ⁴	Y ⁸
c. Other	N	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	N ⁴	N ⁴	N ⁴	Y ⁸
2.16 Vehicular service establishment	N	N	N	N	N	N	PB	PB	PB	PB	N	N	N	N
2.17 Trade center	N	N	N	N	N	N	N	N	N	N	N	P/SP	PB	N
2.18 Catering	PB	PB	PB	PB	PB	N	PB	PB	PB	PB	Y	Y	N	N ⁴
2.19 Function Hall	PB	N	PB	PB	PB	N	PB	PB	PB	PB	Y	Y	N	N ⁴
2.20 Psychic services/fortune-telling	N	N	N	N	PB	N	N	N	N	N	PB	N	N	N
2.21 Bed-and-breakfast	PB	PB	P/SP	P/SP	P/SP	N	P/SP	P/SP	P/SP	P/SP	N	N	N	N
2.22 Country Store	N	N	N	N	Y	PB	Y	Y	N	Y	N	N	N	N
2.23 Non-Medical Marijuana Facility	N	N	N	N	N	N	N	N	N	N	PB ⁷	N	N	N
2.24 Business Incubator and Co-working Space	<u>N</u>	<u>N</u>	<u>N</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
2.25 Artisanal and Craft Maker Space	<u>N</u>	<u>N</u>	<u>N</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
2.26 Art Gallery	<u>N</u>	<u>N</u>	<u>N</u>	<u>PB</u>	<u>PB</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>

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.
- 8. Allowed as part of a commercial mixed-use development. Stand alone restaurants and retail establishments are not allowed.**

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														
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O	MBI
3. Industrial, utility															
3.1 Bus, railroad station	N	N	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	P/SP	N	P/SP	<u>N</u>
3.2 Contractor's yard															
a. Landscape materials storage and distribution	N	N	N	N	N	N	N ⁷	N	N	N	N ⁷	P/SP	N	N	<u>N</u>
b. Other	N	N	N	N	N	N	N	N	N	N	N ⁷	P/SP	N	N	<u>N</u>
3.3 Earth removal															
a. Earth removal, commercial ^{3,5,6}	N	N	N	N	N	N	N	BA	BA	N	BA	BA	N	BA	<u>N</u>
b. Earth removal, other ^{3,4}	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	N	BA	<u>N</u>
c. Rock quarrying	N	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
d. Washing, sorting and/or crushing or processing of materials	N	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
e. Production of concrete	N	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
f. Production of bituminous concrete	N	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
3.4 Lumberyard	N	N	N	N	N	N	N	N	N	N	N	PB	N	N	<u>N</u>
3.5 Manufacturing and Processing:															
a. Biotechnology ¹	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	<u>N</u>
b. Light	N	N	N	N	N	N	N	PB	PB	PB	PB	P/SP	N	PB	<u>Y⁸</u>
c. Medium	N	N	N	N	N	N	N	N	N	N	N	P/SP	N	N	<u>Y⁸</u>
d. Heavy	N	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
3.6 Printing, publishing:															
a. Under 5,000 square feet	N	N	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	P/SP	N	P/SP	<u>N</u>
b. Over 5,000 square feet	N	N	N	N	N	N	N	N	N	N	P/SP	P/SP	N	PB	<u>N</u>

185 Attachment 4
 USE REGULATION SCHEDULE
 PART III (Continued)

Principal Uses	District														
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O	MBI
3.7 Public utility	P/SP	P/SP	P/SP	P/SP	P/SP	N	N	P/SP	P/SP	P/SP	P/SP	P/SP	N	P/SP	<u>N</u>
a. Electric power plant	N	N	N	N	N	N	N	N	N	N	N	BA	N	N	<u>N</u>
3.8 Research and development:															
a. Biotechnology ¹	N	N	N	N	N	N	N	N	N	N	N	PB ²	N	PB ²	<u>N</u>
b. Others	N	N	N	N	N	N	N	N	N	N	P/SP	P/SP	N	P/SP	<u>P/SP</u>
3.9 Solid waste facility	N	N	N	N	N	N	N	N	N	N	N	BA	N	N	<u>N</u>
3.10 Warehouse, distribution facility	N	N	N	N	N	N	N	N	N	N	PB	Y	N	N ⁷	<u>Y</u>
3.11 Wholesale office, salesroom:															
a. With storage	N	N	N	N	N	N	N	N	P/SP	N	P/SP	P/SP	N	N ⁷	<u>Y</u>
b. Without storage	N	N	N	N	N	N	N	<u>P/SP Y</u>	<u>P/SP Y</u>	<u>P/SP Y</u>	<u>P/SP Y</u>	Y	N ⁷	N ⁷	<u>Y</u>
3.12 Conference center	N	N	N	N	N	N	N	N	PB	N	PB	PB	P/SP	PB	<u>P/SP</u>
3.13 Brewery, distillery, or winery production with tasting room	N	N	N	N	N	N	N	PB	PB	PB	PB	PB	PB	N	<u>PB</u>

NOTES:

1. Subject to § 185-42.
2. Biotechnology uses are permitted in the portions of the Industrial District and Office District which are in the Biotechnology Uses Overlay District.
3. See § 185-23, specifically, § 185-23A, Exemptions.
4. See § 185-44, "Administration and enforcement," for general special permit filing information, and § 185-23, Earth removal regulations, for specific filing information.
5. Any commercial earth removal is not permitted within a Water Resource District.
6. See § 185-3 for "commercial earth removal" definition.
7. Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule, Part VII, Accessory Uses.

8. All forms, solid, liquid and gas, of the following classes of hazardous materials shall be prohibited from the zone: Corrosives; Organic Peroxides; Oxidizers Pyrophoric; Toxic and Highly toxic; Unstable; and Water Reactive.

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 RRII RVI RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O	MBI
4. Institutional														
4.1 Cemetery	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	<u>N</u>
4.2 Hospital	N	N	N	N	N	N	N	PB	N	PB	PB	N	N	<u>N</u>
a. Medical Marijuana Treatment Facility	N	N	N	N	N	N	N	N	N	N	PB⁴ PB³	N	N	<u>N</u>
b. Medical Marijuana Testing Facility	N	N	N	N	N	N	N	N	N	N	PB⁴ PB³	N	N	<u>N</u>
4.3 Charitable institution	N	N	N	PB	PB	N	Y	Y	PB	N	N	N	N	<u>Y</u>
4.4 Correctional facility	N	N	N	N	N	N	N	N	N	N	BA	N	N	<u>N</u>
4.5 Library, museum, art gallery	N	Y	Y	Y	N	N	Y	Y	Y	Y	N	N	N	<u>Y</u>
4.6 Lodge, social nonprofit ¹	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	<u>Y</u>
4.7 Public use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N³ Y	N Y	N³ Y	<u>Y</u>
a. Municipal public safety	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
4.8 Religious or educational use:														
a. Exempt from zoning prohibition ²	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
b. Dormitories	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	<u>N</u>

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. 3. Medical Marijuana Treatment Facilities and Testing 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 6
USE REGULATION SCHEDULE
PART V

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													MBI	
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI		O
5. Recreational															
5.1 Indoor commercial amusement, recreation, assembly ¹															
a. General	N	PB	PB	PB	PB	PB	N	Y	Y	PB	Y	N	N	N	<u>PB</u>
b. Concentrated ¹	N	N	N	N	N	N	N	PB	Y	PB	Y	N	N	N	<u>N</u>
5.2 Golf course and/or club, public or private	PB	PB	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
5.3 Movie theater	N	N	N	N	N	N	N	Y	PB	Y	PB	N	N	N	<u>PB</u>
5.4 Outdoor commercial amusement, recreation															
a. Light	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N	<u>N</u>
b. General	PB	PB	PB	PB	PB	N	N	Y	Y	N	Y	Y	N	N	<u>N</u>
c. Concentrated	N	N	N	N	N	N	N	N	PB	N	PB	N	N	N	<u>N</u>
5.5 Equestrian center	BA	BA	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
5.6 Public recreation	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	N	N	N	<u>N</u>
5.7 Automatic amusement device arcades	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	<u>N</u>
5.8 Health club	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N ²	Y	<u>Y</u>

NOTES:

1. Provided that the building is so insulated and maintained as to confine noise to the premises and the structure is located not less than 100 feet from a residential district boundary.
2. Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule Part VII, Accessory Uses.

185 Attachment 7
USE REGULATION SCHEDULE
PART VI

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	CII	DC	B	I	LI	O	MBI
6. Residential															
6.1 Multifamily or apartment	N ¹		N	N	PB ³	PB ⁴	N	PB ³	N	Y ^{5,6}	N	N	N	PB ^{7,8}	<u>N</u>
6.2 Single-family	Y		Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	<u>N</u>
6.3 Two-family															
a. New	N		N	Y ²	Y ²	Y ²	N	Y	Y	N	N	N	N	N	<u>N</u>
b. By conversion	BA		BA	BA	Y	Y	N	BA	Y	BA	N	N	N	N	<u>N</u>

NOTES:

1. Except PB in RVI District. (See § 185-38.)
2. Lot area must be at least 25% greater than that required for a single-family dwelling.
3. No more than one dwelling unit per 1,000 square feet of lot area may be permitted.
4. No more than one dwelling unit per 3,000 square feet of lot area may be permitted.
5. All dwelling units shall be located on floors above the street level floor.
6. No more than one dwelling unit per 2,000 square feet of lot area will be permitted; additional dwelling units may be allowed by Special Permit from the Planning Board.
7. All multi-family residential developments require a minimum of 5-acres.
8. No more than one dwelling unit per 3,000 square feet of lot area will be permitted.

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														
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O	MBI
A1 Boarding	N	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	N	N	<u>N</u>
A2 Contractor's yard	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	<u>N</u>
a. Landscape materials storage and distribution	N	N	N	N	N	Y ³	Y ³	N	N	N	Y	Y	N	N	<u>N</u>
A3 Home occupation (See § 185-39B.)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	<u>N</u>
A4 Manufacture, assembly, packing of goods sold on premises	N	N	N	N	N	Y ¹	N	Y ¹	Y ¹	Y ¹	Y	Y	N	Y ¹	<u>Y</u>
A5 Off-street parking (See § 185-39C.)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
A6 Professional office, studio (See § 185-39A.)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	<u>Y</u>
A7 Restaurant, bar	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
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	<u>Y</u>
A9 Scientific use in compliance with § 185-37	BA	BA	BA	BA	BA	BA	N	BA	BA	BA	Y	Y	Y	Y	<u>Y</u>
A10 Signs (See § 185-20.)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
A11 Single-family dwelling for personnel required for safe operation	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	<u>N</u>
A12 Other customary accessory uses	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
A13 Other retail sales, services	N	N	N	N	N	Y	N ⁴	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
A13.1 Animal grooming	BA	BA	BA	BA	BA	BA	N	Y	BA	Y	BA	BA	BA	BA	<u>BA</u>
A14 Operation of not more than 5 automatic amusement devices	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	<u>Y</u>
A15 Warehouse/distribution facility	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	Y	<u>Y</u>
A16 Wholesale office, salesroom															
a. With storage	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	Y	<u>Y</u>
b. Without storage	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y ²	Y	<u>Y</u>
A17 Catering	N	N	PB	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
A18 Function hall	N	N	PB	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>

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.

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: _____, 2019

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Teresa M. Burr
Town Clerk

ABSTAIN _____

ABSENT _____

Glenn Jones, Clerk