

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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MEMORANDUM

TO: FRANKLIN TOWN COUNCIL

FROM: BRYAN W. TABERNER, AICP, DIRECTOR

RE: ZONING BY-LAW AMENDMENT 20-849: CHANGES TO GROUND-MOUNTED SOLAR ENERGY SYSTEM USE REGULATIONS, AND USE REGULATIONS SCHEDULE UPDATES

CC: JAMIE HELLEN, TOWN ADMINISTRATOR; FRANKLIN PLANNING BOARD; MARK CEREL, TOWN ATTORNEY; GUS BROWN, ZONING ENFORCEMENT; AMY LOVE, TOWN PLANNER; CHRISSEY WHELTON, ASSISTANT TO THE TOWN ADMINISTRATOR

DATE: JANUARY 14, 2020

As requested by Town Administration the Department of Planning and Community Development (DPCD) has developed a zoning bylaw amendment intended to limit the number of large Ground-mounted Solar Energy Systems within the Town's residential areas. Several small changes are being proposed related to where in Town ground-mounted solar energy systems may be allowed. In addition, the proposed zoning bylaw amendment revises/updates the Use Regulation Schedule in several places. Zoning Bylaw Amendment 20-849 is attached for consideration. A summary of the proposed changes are below.

Ground-mounted Solar-related Changes Proposed

The Zoning Bylaw Amendment will change the "Large-scale Ground-mounted Solar Energy System" use from may be allowed by Planning Board special permit (PB) to not allowed (N) in three zoning district categories (3 columns in Use Regulation Schedule Part III [Attachment 4]). If these changes are approved the Large-Scale Solar use would only be allowed in the Industrial zoning district.

The above mentioned changes would substantially limit the areas in Town that can be developed by Large-Scale Solar projects, but there would still be a chance that adjacent residential properties or Scenic Roadways could be negatively impacted by Large-Scale Solar projects. For that reason DPCD recommends additional regulation by adding the following note to Use Regulation Schedule Part III:

10. No Medium-scale or Large-scale Ground-mounted Solar Energy Systems on parcels within or adjacent to residential Zoning Districts shall be located nearer to the lot lines than seventy-five (75) feet.

Additional Updates Proposed

There are currently several small revisions/updates needed to Parts I, III and VII of the Use Regulations Schedule. These changes are "housekeeping" issues, and do not change the Zoning Bylaw's use regulations.

During the 2018 and 2019 fiscal years, several Zoning Bylaw Amendments were approved at roughly the same time. Some took several months to get through the amendment process, some were quickly developed and approved, and the Mixed Business Innovation Zoning District (MBI) amendments were drafted in 2017, put on hold for roughly a year, and finally approved in March 2019. The list below provides a description of where the updates are needed:

1. The MBI use regulations amendment (18-830) was approved without adding into the Use Regulations Schedule the uses that had already been added (or amended) when Amendments 18-810, 18-811 and 18-812 (ground mounted solar) and 18-816 (Poultry) were approved. So there are a few blank cells in the use tables in the MBI column.
2. Amendments 18-812 and 18-816 each added an A19 use to Attachment 8.
 - a. Amendment 18-816's A19 use should have been A20.
3. Amendments 18-812 and 18-816 each added a Note 5 to Attachment 8.
 - a. Amendment 18-816's note should have been Note 7.
4. Amendments 18-812 and 18-830 each added a Note 8 to Attachment 4.
 - a. Amendment 18-830's note should have been Note 9.

If Council members support the proposed use regulations changes, I request the Town Council vote to refer Zoning Bylaw Amendment 20-849 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 20-849: CHANGES TO
GROUND-MOUNTED SOLAR ENERGY SYSTEM USE REGULATIONS,
AND USE REGULATIONS SCHEDULE UPDATES**

**CHANGES TO CHAPTER 185, USE REGULATIONS SCHEDULE
PARTS I, III, AND 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 **deletions** and **additions** to §185 Use Regulations Schedule Part I, Part III and Part VII, Attachment 2, Attachment 4 and Attachment 8:

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	N
1.2 Produce stand ¹	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N
1.3 Other, parcel of 5 or more acres	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
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	N
b. With other livestock	Y ²	Y ²	N	N	N	N	N	N	N	N	N	N	N	N	N
c. With no livestock	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N
d. With poultry	Y ³	Y ³	N	N	N	N	N	N	N	N	N	N	N	N	N
1.5 Garden Center, Retail or Wholesale	PB	PB	PB	PB	PB	PB	PB	PB	Y	N	Y	PB	PB	PB	PB

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.
- 3 Any related structure shall be to the rear of the property's primary building, and at least 25 feet from side and rear property lines.

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 RRII RVI 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	P/SP	P/SP	P/SP	P/SP	P/SP	N	P/SP	N
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 ^{3,5,6}	N	N	N	N	N	N	BA	BA	N	BA	BA	N	BA	N
b. Earth removal, other ^{3,4}	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	N	BA	N
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	N	N	N	N	N	N	N	N	N	N	PB	N	N	N
3.5 Manufacturing and Processing:														
a. Biotechnology ¹	N	N	N	N	N	N	N	N	N	N	Y	N	Y	N
b. Light	N	N	N	N	N	N	PB	PB	PB	PB	P/SP	N	PB	Y ⁸ <u>Y</u> ⁹
c. Medium	N	N	N	N	N	N	N	N	N	N	P/SP	N	N	Y ⁸ <u>Y</u> ⁹
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	N
b. Over 5,000 square feet	N	N	N	N	N	N	N	N	N	P/SP	P/SP	N	PB	N

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	N
a. Electric power plant	N	N	N	N	N	N	N	N	N	N	N	BA	N	N	N
3.8 Research and development:															
a. Biotechnology ¹	N	N	N	N	N	N	N	N	N	N	N	PB ²	N	PB ²	N
b. Others	N	N	N	N	N	N	N	N	N	N	P/SP	P/SP	N	P/SP	P/SP
3.9 Solid waste facility	N	N	N	N	N	N	N	N	N	N	N	BA	N	N	N
3.10 Warehouse, distribution facility	N	N	N	N	N	N	N	N	N	N	PB	Y	N	N ⁷	Y
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	Y
b. Without storage	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N ⁷	N ⁷	Y
3.12 Conference center	N	N	N	N	N	N	N	N	PB	N	PB	PB	P/SP	PB	P/SP
3.13 Brewery, distillery, or winery production with tasting room	N	N	N	N	N	N	N	PB	PB	PB	PB	PB	PB	N	PB
3.14 Ground-mounted Solar Energy System															
a. Small-scale	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y	<u>N⁷</u>
b. Medium-scale ⁽⁸⁾⁽¹⁰⁾	PB	PB	PB	N ⁷	N	N ⁷	N	N	PB	N	PB	Y	N	N ⁷	<u>N</u>
c. Large-scale ⁽⁸⁾⁽¹⁰⁾	PB <u>N</u>	PB <u>N</u>	N	N	N	N	N	N	N	N	PB <u>N</u>	Y	N	N	<u>N</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. Planning Board Site Plan Review is required of all Medium-scale and Large-scale Ground-mounted Solar Energy Systems.
- 9.** 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.
- 10. No Medium-scale or Large-scale Ground-mounted Solar Energy Systems on parcels within or adjacent to residential Zoning Districts shall be located nearer to the lot lines than seventy-five (75) feet.**

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	N	Y	Y	N	N	N	N	N	N
A2 Contractor's yard	N		N	N	N	N	N	N	N	N	Y	Y	N	N	N
a. Landscape materials storage and distribution	N		N	N	N	Y ³	Y ³	N	N	N	Y	Y	N	N	N
A3 Home occupation (See § 185-39B.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N
A4 Manufacture, assembly, packing of goods sold on premises	N		N	N	N	Y ¹	N	Y ¹	Y ¹	Y ¹	Y	Y	N	Y ¹	Y
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	N	Y	Y	Y
A7 Restaurant, bar	N		N	N	N	N	N	Y	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	Y	N	Y	Y	Y	Y	Y ²	N	Y ²	Y
A9 Scientific use in compliance with § 185-37	BA		BA	BA	BA	BA	N	BA	BA	BA	Y	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	N	Y	Y	N	Y	Y	Y	Y	N
A12 Other customary accessory uses	Y		Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
A13 Other retail sales, services	N		N	N	N	Y	N ⁴	Y	Y	Y	Y	Y	Y	Y	Y
A13.1 Animal grooming	BA		BA	BA	BA	BA	N	Y	BA	Y	BA	BA	BA	BA	BA
A14 Operation of not more than 5 automatic amusement devices	N		N	N	N	N	N	N	Y	Y	Y	Y	N	N	Y
A15 Warehouse/distribution facility	N		N	N	N	N	N	N	Y	N	Y	Y	N	Y	Y
A16 Wholesale office, salesroom															
a. With storage	N		N	N	N	N	N	Y	Y	Y	Y	Y	N	Y	Y
b. Without storage	N		N	N	N	N	N	Y	Y	Y	Y	Y	Y ²	Y	Y
A17 Catering	N		N	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y	Y
A18 Function hall	N		N	PB	PB	PB	N	Y	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	<u>Y</u>
b. Medium-scale ⁶	PB		PB	PB	PB	N	PB	N	PB	N	PB	Y	N	PB	<u>N</u>
A19 20 Agricultural with Poultry, parcel under 5 acres	<u>Y⁵ Y⁷</u>		<u>Y⁵ Y⁷</u>	<u>Y⁵ Y⁷</u>	<u>Y⁵ Y⁷</u>	<u>Y⁵ Y⁷</u>	<u>Y⁵ Y⁷</u>	N	N	N	N	N	N	N	<u>N</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.
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.
7. Any related structure shall be to the rear of the property's primary building, and at least 25 feet from side and rear property lines.

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: _____, 2020

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

Teresa M. Burr, CMC
Town Clerk

RECUSED _____

Glenn Jones, Clerk
Franklin Town Council