



SPONSOR: Zoning Enforcement Officer

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 17-797

SETBACKS FOR ACCESSORY BUILDINGS AND STRUCTURES

A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT CHAPTER 185, SECTION 19. ACCESSORY BUILDINGS AND STRUCTURES

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

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

No accessory building or structure shall be located within a required front yard. 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, General Residential V, Single Family Residential IV or Commercial I Districts or nearer than 15 feet in other districts.~~ No accessory building or structure shall be located in a rear yard nearer to the rear lot line than 10 feet or nearer to another principal or accessory building or structure than 10 feet.

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: \_\_\_\_\_, 2017

VOTED:  
UNANIMOUS \_\_\_\_\_

A True Record Attest:

YES \_\_\_\_\_ NO \_\_\_\_\_

ABSTAIN \_\_\_\_\_

Teresa M. Burr  
Town Clerk

ABSENT \_\_\_\_\_

\_\_\_\_\_  
Judith Pond Pfeffer, Clerk  
Town Council

# Town of Franklin

Tel: (508) 520-4907



TOWN OF FRANKLIN  
TOWN CLERK Fax: (508) 520-4906

2017 SEP 27 PM 1:10

RECEIVED

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

September 27, 2017

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

## **CERTIFICATE OF VOTE**

Zoning By-law Amendment #17-797

Changes to Chapter 185-19 Setbacks for Accessory Buildings and Structures

**Petitioner:** Zoning Enforcement Officer

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, September 25, 2017 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 #17-797, Changes to Chapter 185-19 Accessory buildings and structures..

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

Sincerely,

Anthony Padula  
Chairman

cc: Town Council  
Town Administrator  
Deputy Town Administrator



## **FRANKLIN PLANNING & COMMUNITY DEVELOPMENT**

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

### **MEMORANDUM**

**DATE:** AUGUST 23, 2017  
**TO:** JEFFREY D. NUTTING, TOWN ADMINISTRATOR  
**FROM:** DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT  
**RE:** PROPOSED ZONING BYLAW AMENDMENT 17-797: SETBACKS  
FOR ACCESSORY BUILDINGS AND STRUCTURES  
**CC:** FRANKLIN PLANNING BOARD; JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR;  
GUS BROWN, ZONING ENFORCEMENT OFFICER; MARK CEREL, TOWN ATTORNEY;  
AMY LOVE, FRANKLIN TOWN PLANNER

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Zoning Enforcement Officer Gus Brown has identified inconsistencies in the Town's Zoning Bylaw that leads to confusion regarding the size side setback required for accessory buildings and structures. §185-3 states "No accessory buildings or structures of any size shall be closer than 10 feet to any principal building or side ... lot line". §185-19 states that side yard setbacks for accessory buildings and structures must be at least 10 feet in GRV, SFRIV and CI zoning districts, and at least 15 feet in other districts. The exact wording from both sections is attached.

Mr. Brown recommends changing the minimum required distance between accessory buildings/structures and the side lot line to 10 (ten) feet in all zoning districts. This change can be easily made by deleting wording in §185-19 that refers to differences in various zoning districts.

Zoning Bylaw Amendment 17-797 has been prepared for Town Council review and consideration. DPCD recommends referring the proposed amendment to the Planning Board for a Public Hearing.

Wording Taken Directly From Chapter 185 of Franklin Town Code

**§185-3. Definitions.**

In this chapter, the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

**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.

**§185-19. Accessory buildings and structures.**

No accessory building or structure shall be located within a required front yard. No accessory building or structure shall be located in any side yard area nearer to the side lot line than 10 feet in General Residential V, Single-Family Residential IV or Commercial I Districts or nearer than 15 feet in other districts. No accessory building or structure shall be located in a rear yard nearer to the rear lot line than 10 feet or nearer to another principal or accessory building or structure than 10 feet.

# Town of Franklin



## Planning Board

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2017 AUG 31 AM 11:41

TOWN OF FRANKLIN  
TOWN CLERK

The following notice will be published in the Milford Daily Newspaper on Monday, September 11, 2017 and Monday, September 18, 2017

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 September 25, 2017 at 7:05 PM and the Town Council will hold a Public Hearing on September 27, 2017 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 Map of the Code of the Town of Franklin as follows:

### ZONING BY-LAW AMENDMENT 17-797 SETBACKS FOR ACCESSORY BUILDINGS AND STRUCTURES

#### A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT CHAPTER 185, SECTION 19. ACCESSORY BUILDINGS AND STRUCTURES

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

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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 said 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