

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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FRANKLIN, MA 02038-1352
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MEMORANDUM

TO: JEFFREY D. NUTTING, TOWN ADMINISTRATOR
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: ZONING BYLAW AMENDMENT 18-816: POULTRY USE REGULATIONS
CC: FRANKLIN PLANNING BOARD
JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR
GUS BROWN, ZONING ENFORCEMENT
AMY LOVE, PLANNER
DATE: JUNE 14, 2018

Department of Planning and Community Development (DPCD) was asked to draft a zoning bylaw amendment related to poultry.

As you know the Economic Development Committee discussed the proposed zoning changes at their June 6, 2018 meeting, and voted to send the issue to the full Council for consideration. If Town Council supports the changes I request it vote to refer the zoning bylaw amendment 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 18-816: POULTRY USE REGULATIONS,
CHANGES TO CHAPTER 185, USE REGULATIONS
SCHEDULE PARTS I 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
Additions and ~~Deletions~~ to §185 Use Regulations Schedule Parts I and VII, Attachments 2
and 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 RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O
1. Agriculture, horticulture and floriculture													
1.1 Nursery, greenhouse	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y
1.2 Produce stand ¹	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
1.3 Other, parcel of 5 or more acres	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
b. With other livestock or poultry	Y ²	Y ²	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	N	Y
d. <u>With poultry</u>	<u>Y³</u>	<u>Y³</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
1.5 Garden Center, Retail or Wholesale	PB	PB	PB	PB	PB	PB	PB	Y	N	Y	PB	PB	PB

NOTES:

- For sale of produce raised or grown on the premises by the owner or lessee thereof.
- Provided that any building or structure is at least 100 feet from the nearest street or property line.
- 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 8
USE REGULATION SCHEDULE
PART VII

Symbols in the Use Regulations Schedule shall mean the following:

Y = A permitted use.

N = A use 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	RI	RV	RR	RV	RR	RV	RR	RV	RR	RV	O
A1 Boarding	N	N	N	N	N	N	N	N	N	N	N	N
A2 Contractor's yard	N	N	N	N	N	N	N	N	N	N	N	N
a. Landscape materials storage and distribution	N	N	N	N	N	N	N	N	N	N	N	N
A3 Home occupation (See § 185-39B.)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
A4 Manufacture, assembly, packing of goods sold on premises	N	N	N	N	N	N	N	N	N	N	N	N
A5 Off-street parking (See § 185-39C.)	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
A7 Restaurant, bar	N	N	N	N	N	N	N	N	N	N	N	N
A8 Retail sale of nonagricultural products manufactured, warehoused or manufactured, warehoused or distributed on or from premises	N	N	N	N	N	N	N	N	N	N	N	N
A9 Scientific use in compliance with § 185-37	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
A10 Signs (See § 185-20.)	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	Y	Y	Y	Y	Y	Y
A12 Other customary accessory uses	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
A13 Other retail sales, services	N	N	N	N	N	N	N	N	N	N	N	N
A13.1 Animal grooming	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
A14 Operation of not more than 5 automatic amusement devices	N	N	N	N	N	N	N	N	N	N	N	N
A15 Warehouse/distribution facility	N	N	N	N	N	N	N	N	N	N	N	N
A16 Wholesale office, salesroom												
a. With storage	N	N	N	N	N	N	N	N	N	N	N	N
b. Without storage	N	N	N	N	N	N	N	N	N	N	N	N
A17 Catering	N	N	N	N	N	N	N	N	N	N	N	N
A18 Function hall	N	N	N	N	N	N	N	N	N	N	N	N
A19 Agricultural with Poultry, parcel under 5 acres	Y ⁵	Y ⁵	Y ⁵	Y ⁵	Y ⁵	Y ⁵	Y ⁵	Y ⁵	Y ⁵	Y ⁵	Y ⁵	Y ⁵

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. 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: _____, 2018

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Teresa M. Burr
Town Clerk

ABSENT _____

Glenn Jones, Clerk