

Town Administrator
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Town of Franklin



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355 East Central Street
Franklin, Massachusetts 02038-1352

MEMORANDUM

June 1, 2017

To: Town Council

From: Jamie Hellen

RE: Zoning bylaws – Brewery, Distillery, Winery with a tasting room

The proposal before the Town Council is to create a new use in the Town's zoning code by allowing for the production of beer, wine and spirits with an option of establishing a retail on premises (tasting room bar) or off-premises (take home, bottle, can, growler) business.

The proposal was presented and approved by the Economic Development Committee in late March.

The following are some bullet points to consider:

1. The proposed zoning will allow for the production of beer, wine or spirits and/or an optional tasting room in the following zoning districts: Business, Commercial I, Commercial II, Industrial, and Downtown Commercial District.
2. Production and retail will be prohibited in all residential districts.
3. The proposed zoning will allow for any producer to have a tasting room at no more than 25% of the total square footage of the structure. I want to note this is slightly smaller than the original proposal. The Planning Board voted to allow 25% of floor space, which the town staff supports. This number is commensurate with some other communities who have similar zoning.
4. A manufacturer may also have a restaurant or serve food prepared on site, but will need to go through the normal Board of Health related procedures for kitchens and receive a Common Victualler's license from the Administrator's Office. Keep in mind one note:
 - a. If a producer desires to serve on premises and obtain a Common Victualler's License to

prepare food on site, they will be limited to selling *only* their manufactured beer, wine, or spirit products. They may not import and sell any other alcoholic products because the law would require them to seek a traditional “Section 12” alcohol on-premises license like every other restaurant in town.

5. There is nothing in the bylaw that would prohibit a “BYOF” (“Bring Your Own Food”) policy at an establishment. But this feature is a policy that would be put in place by each establishment.
6. Entertainment licenses may also be granted through normal procedures through the Town Administrator’s office (TV’s, juke box, live entertainment, etc.).
7. The following is the process for someone who ONLY desires to produce beer, wine or spirits:
 - a. Receive a Farmer’s Farmer Series Production License from the state Alcohol Beverages Control Commission (ABCC).
 - b. Proceed through traditional Special Permit process in Town.
8. The following is the process for someone who wants BOTH to produce and serve the manufactured products on the premises with a tasting room bar:
 - a. Receive a Farmer’s Farmer Series Production License from the state Alcohol Beverages Control Commission (ABCC).
 - b. Proceed through the traditional special permit process in Town.
 - c. Apply for a “Farmer Series Pouring License” to the Local Licensing Authority (Town Council)
 - i. The process to receive this license is the same as every other Section 12 license restaurant in town, including legal notification, abutters’ notification, liquor liability insurance, and other requirements outlined in the application and town policy.



SPONSOR: *Administration*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 17-788**

DEFINITIONS. BREWERY, DISTILLERY, OR WINERY WITH TASTING ROOM

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, SECTION 3.**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by adding the following text at §185-3 Definitions:

BREWERY, DISTILLERY, OR WINERY PRODUCTION WITH TASTING ROOM: A business located in a building where the primary use is for the production and distribution of malt, spirituous, or vinous beverages with a tasting room and which holds a Commonwealth of Massachusetts issued Farmer Series Production License. Any such facility that sells alcoholic beverages to be consumed on the premises shall have a Commonwealth of Massachusetts issued Farmer Series Pouring License approved by the Local Licensing Authority. The facility may host marketing events, special events, and factory tours. The facility may only sell beverages produced by, and commercial goods branded by, the brewery, distillery or winery. The facility may sell permitted beverages by the bottle to consumers for consumption off the brewery premises.

TASTING ROOM: A room attached to a brewery, distillery, or winery that allows patrons to sample or consume wine, beer, or other alcoholic beverages that are produced on-site in accordance with M.G.L. c. 138.

A tasting room may not be greater than twenty-five (25) percent of the main building's gross square footage.

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