

# **FRANKLIN PLANNING & COMMUNITY DEVELOPMENT**

355 EAST CENTRAL STREET, ROOM 120  
FRANKLIN, MA 02038-1352  
TELEPHONE: 508-520-4907  
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## **MEMORANDUM**

**TO:** JAMIE HELLEN, TOWN ADMINISTRATOR  
**FROM:** BRYAN W. TABERNER, AICP, DIRECTOR  
**RE:** PROPOSED ZONING BYLAW AMENDMENT 19-842. IMPERVIOUS COVERAGE  
IN WATER RESOURCE DISTRICT  
**CC:** MARK CEREL, TOWN ATTORNEY; AMY LOVE, PLANNER;  
GUS BROWN, BUILDING COMMISSIONER, CHRISSY WHELTON  
**DATE:** MAY 29, 2019

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It has been brought to the attention of Department of Planning and Community Development (DPCD) and other Town staff that there is discrepancy in Franklin's Zoning Bylaw between Sections 185-40.D(1)(I)(ii) and 185-40.D(3)(a). The discrepancy was created in 2013 with approval of Zoning Bylaw Amendment 13-703, which added new language to Section 185-40.D.(1); at that time Section 185-40.D(3)(a) should have been deleted.

Section 185-40.D(1)(I)(ii) allows for impervious coverage up to 80% of upland area of a lot located within the Water Resource District for nonresidential uses.

Section 185-40.D(3)(a) states any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater, requires a special permit.

Zoning Bylaw Amendment 19-842 would remove subsection 185-40.D(3)(a), and re-letter the remaining subsections in 185-40.D(3); these changes eliminate the discrepancy between Sections 185-40.D(1) and 185-40.D(3).

In addition, small changes are proposed for Section 185-40.D(1)(I)(ii); this Subsection does not currently address residential uses within a nonresidential zoning district. The proposed changes would address the issue by treating all development in nonresidential zoning districts the same regardless of use.

If Town Council supports the proposed changes, DPCD recommends they refer Zoning By-law Amendment 19-842 to the Planning Board for a Public Hearing. Please let me know if you have questions or require additional clarification.

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TOWN OF FRANKLIN  
ZONING BY-LAW AMENDMENT 19-842

CHANGES TO §185-40. WATER RESOURCE DISTRICT

A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE  
AT CHAPTER 185, SECTION 40.D

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by **adding** and **deleting** the following text at §185-40. **Water Resource District**, subsections D.(1) and D.(3)

D. Use regulations. The Water Resource District shall be considered to be superimposed over any other district established in this chapter. Land in the Water Resource District may be used for any use otherwise permitted in the underlying district, subject to the following limitations:

(1) Prohibitions. The following are prohibited on any lot or portion of a lot within a Water Resource District:

(l) Impervious coverage.

(i) Residential zones:

Residential use: Rendering impervious coverage more than 15% or 2,500 square feet, whichever is greater, of the upland area of a lot located within the Water Resource District is only permitted for residential uses within a residential zone by a special permit from the Zoning Board of Appeals (ZBA).

Nonresidential uses: Rendering impervious coverage more than 15% or 2,500 square feet, whichever is greater, of the upland area of a lot located within the Water Resource District is only permitted for nonresidential uses within a residential zone by a special permit from the Planning Board.

(ii) Nonresidential zones:

~~Nonresidential uses:~~ Rendering impervious coverage up to 80% of the upland area of a lot located within the Water Resource District is permitted **only** in nonresidential zones provided an application for site plan approval has been provided.

An applicant for site plan approval must provide artificial recharge that does not degrade groundwater quality. The proposed water recharge efforts shall be permitted only upon the approval of a hydrogeologist retained by the Town of Franklin at the expense of the applicant, under the provisions of MGL c. 44, § 53G.

(3) Uses permitted only by special permit. The following uses are permitted only by special permit:

~~(a) Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater. Artificial recharge must be provided that does not degrade groundwater quality. See Subsection D(1)(1) above.~~

~~(b)~~(a) Activities involving the handling of toxic or hazardous materials in quantities greater than those associated with normal household use.

~~(e)~~(b) The construction of dams or other water control devices or water bodies or courses created for recreational or agricultural uses or drainage uses.

~~(d)~~(c) The application of pesticides or fertilizers for nondomestic or nonagricultural uses.

This by-law Amendment shall become effective in accordance with the provisions of the Franklin Home Rule Charter and M.G.L. c.40A, §5.

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DATED: \_\_\_\_\_, 2019

VOTED:

UNANIMOUS \_\_\_\_\_

A True Record Attest:

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

Teresa M. Burr  
Town Clerk

ABSTAIN \_\_\_\_\_

ABSENT \_\_\_\_\_

RECUSED \_\_\_\_\_

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Glenn Jones, Clerk

# Town of Franklin



## Planning Board

TOWN OF FRANKLIN  
TOWN CLERK

2019 JUN -6 P 12:37

RECEIVED

**The following notice will be published in the Milford Daily Newspaper on  
Monday, June 24, 2019 and again on Monday, July 1, 2019**

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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 July 8, 2019 at 7:05 PM and the Town Council will hold a Public Hearing on July 24, 2019 at 7:10 PM in the Town Council Chambers of the Municipal Building, 355 East Central Street, to consider amending the Code of the Town of Franklin as follows:

### **TOWN OF FRANKLIN ZONING BY-LAW AMENDMENTS**

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:** The Code of the Town of Franklin is hereby amended by making the following amendments:

Zoning Bylaw Amendment 19-842: Changes to 185-40.D Water Resource District, subsections D.(1) and D.(3)

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 zoning changes, regulations and overlay map of said amendments 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

Thomas Mercer, Chairman  
Franklin Town Council

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## Town of Franklin



## Planning Board

July 10, 2019

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

### **CERTIFICATE OF VOTE**

Zoning By-law Amendment #19-842  
§185-40. Water Resource District, subsections D.(1) and D.(3)

**Petitioner:** Town Administration

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, July 8, 2019 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 #19-842, §185-40. Water Resource District, subsections D.(1) and D.(3).

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

Sincerely,

Anthony Padula  
Chairman, Planning Board

cc: Town Council  
Town Administrator