

## FRANKLIN TOWN COUNCIL

### Agenda & Meeting Packet

March 17, 2021

Meeting will be held at the **Municipal Building**  
2nd floor, Council Chambers  
355 East Central Street  
**7:00 PM**

The public will **NOT** be permitted to enter the building or participate in person. Only pre-approved participants on the meeting agenda will be allowed to enter the Building and participate in person. **Residents can attend and participate via the “ZOOM” Platform.**

**A NOTE TO RESIDENTS:** *Due to the continued concerns regarding the COVID-19 virus and Governor Baker’s declared State of Emergency, we will be conducting a remote/virtual Town Council Meeting for all public access and participation. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number (Cell phone or Landline Required) OR citizens can participate by clicking on the attached [link](#) (Phone, Computer, or Tablet required). The attached link and phone number will be active for the duration of the meeting for citizens to ask questions/voice concerns. If residents are just interested in watching the meeting it will also be [live-streamed by Franklin TV](#) and shown on Comcast Channel 11 and Verizon Channel 29.*

- **Link to access meeting:** March 17, 2021 Town Council Meeting Link [HERE](#) -- Then click “Open Zoom”
  - Or copy and paste this URL into your browser: <https://us02web.zoom.us/j/89981627970>
  - **Call-In Phone Number:** Call **1-929-205-6099** and enter Meeting ID # **899 8162 7970** --Then press #

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#### 1. ANNOUNCEMENTS FROM THE CHAIR

- a. *This meeting is being recorded by Franklin TV and shown on Comcast channel 11 and Verizon Channel 29. This meeting may be recorded by others.*

#### 2. CITIZEN COMMENTS

- a. *Citizens are welcome to express their views for up to five minutes on a matter that is not on the agenda. The Council will not engage in a dialogue or comment on a matter raised during Citizen Comments. The Town Council will give remarks appropriate consideration and may ask the Town Administrator to review the matter.*

#### 3. APPROVAL OF MINUTES

- a. March 3, 2021

#### 4. PROCLAMATIONS/RECOGNITIONS

- a. David Allard - Retirement Recognition, Franklin DPW
- b. Kevin Ryan - Retirement Recognition, Franklin Police Department
- c. Detective John Maloney - Retirement Recognition, Franklin Police Department
- d. Kristopher Smith - Achievement Recognition, graduation from the Massachusetts Fire Academy

## 5. APPOINTMENTS

- a. Rob Burchill - New Patrol Officer Ceremonial Swearing In & Badge Pinning, Police Department
- b. Derek Tetrault - New Patrol Officer Ceremonial Swearing In & Badge Pinning, Police Department
- c. Brian Armstrong - New Hire, Firefighter/Paramedic - Fire Department
- d. Jeffrey Ward - New Hire, Firefighter/Paramedic - Fire Department
- e. Kent Parsons - New Hire, Firefighter/Paramedic - Fire Department
- f. Benjamin Angelo - New Hire, Firefighter/Paramedic - Fire Department

## 6. HEARINGS - 7:10pm - *None Scheduled*

## 7. LICENSE TRANSACTIONS - *None Scheduled*

## 8. PRESENTATIONS/DISCUSSIONS

- a. Norfolk County Sheriff Patrick W. McDermott - [Norfolk County Sheriff Website](#)

## 9. SUBCOMMITTEE REPORTS

- a. Capital Budget Subcommittee
- b. Budget Subcommittee
- c. Economic Development Subcommittee

## 10. LEGISLATION FOR ACTION

- a. Bylaw Amendment 21-871: Chapter 82, Municipal Service Fees, Amended at Section 82-6 Schedule of Service Fees, Subsection A. Administration - First Reading (**Motion to Move Bylaw Amendment 21-871 to a Second Reading - Majority Roll Call Vote**)
- b. Bylaw Amendment 21-872: To Amend The Franklin Town Code At Chapter 185, Section 3, Definitions, Tasting Room - Referral to the Planning Board (**Motion to Refer Bylaw Amendment 21-872 to the Planning Board - Majority Roll Call Vote**)

## 11. TOWN ADMINISTRATOR'S REPORT

- a. COVID-19 Updates

## 12. FUTURE AGENDA ITEMS

## 13. COUNCIL COMMENTS

## 14. EXECUTIVE SESSION

- a. *I request a motion that the Board vote to convene in Executive Session for the purpose of discussing strategy with respect to collective bargaining, because an open meeting may have a detrimental effect on the bargaining position of the Board.*

## 15. ADJOURN

*Note:*

*Two-Thirds Vote: requires 6 votes*

*Majority Vote: requires majority of members present and voting*

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
March 3, 2021**

A meeting of the Town Council was held on Wednesday, March 3, 2021, at the Municipal Building, 2<sup>nd</sup> Floor, Council Chambers, 355 East Central Street, Franklin, MA; residents could attend and participate via the Zoom platform. Councilors present: Andrew Bissanti, Brian Chandler, Robert Dellorco, Cobi Frongillo, Melanie Hamblen (via Zoom), Glenn Jones, Matthew Kelly, Thomas Mercer, Deborah Pellegri. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney (via Zoom); Chrissy Whelton, Assistant to the Town Administrator.

**CALL TO ORDER:** ► Chair Mercer called the meeting to order at 7:00 PM. He called for a moment of silence and all recited the Pledge of Allegiance.

**ANNOUNCEMENTS:** ► Chair Mercer reviewed that due to the continued concerns regarding the COVID-19 virus and Governor Baker's declared State of Emergency, we will be conducting a remote/virtual Town Council meeting for all public access and participation. The public will not be permitted to enter the building or participate in person. Only pre-approved participants on the meeting agenda will be allowed to enter the building and participate in person. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number, or citizens can participate by clicking on the link provided on the agenda. The provided link and phone number will be active for the duration of the meeting for citizens to ask questions/voice concerns. If residents are just interested in watching the meeting, it will also be live-streamed by Franklin TV and shown on Comcast Channel 11 and Verizon Channel 29. This meeting is being recorded by Franklin TV and may also be recorded by others.

**CITIZEN COMMENTS:** None

**APPROVAL OF MINUTES:** *February 3, 2021 and February 17, 2021.* ► **MOTION** to Approve the February 3, 2021 meeting minutes by **Dellorco**. **SECOND** by **Kelly**. **No discussion.** ► **ROLL CALL VOTE:** **Bissanti-YES; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegri-YES.** ► **VOTE:** Yes-9, No-0, Absent-0. ► **MOTION** to Approve the February 17, 2021 meeting minutes by **Dellorco**. **SECOND** by **Kelly**. **No discussion.** ► **ROLL CALL VOTE:** **Bissanti-YES; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegri-YES.** ► **VOTE:** Yes-9, No-0, Absent-0.

**PROCLAMATIONS/RECOGNITIONS:** None.

**HEARINGS:** None.

**LICENSE TRANSACTIONS:** None.

**APPOINTMENTS:** ► *Conservation Commission - Andrew Mazzuchelli.*  
*Mr. Bissanti recused himself.*

► Mr. Jones read the appointment. ► **MOTION** to **Ratify** the appointment by the Town Administrator of Andrew Mazzuchelli to serve as a member of the Franklin Conservation Commission with a term to expire on June 30, 2022, by **Jones**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Hellen noted that after this appointment, all the Town's board and committee vacancies will be filled. He welcomed Mr. Mazzuchelli. ► Mr. Mazzuchelli stated he looked forward to serving the Town and the Conservation Commission. ► **ROLL CALL VOTE:** **Chandler-YES; Dellorco-YES; Frongillo-YES;**

**Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES. ► VOTE: Yes-8, No-0, Absent-0.**

***Mr. Bissanti re-entered the meeting.***

► In response to Ms. Pellegrini's question, Mr. Hellen stated there are no public appointments to the Insurance Advisory Committee, and a second person was appointed and ratified last year to the Tri-County Regional School Committee.

**PRESENTATIONS/DISCUSSIONS: ► *Senior Circuit Breaker Income Tax Credit - Erin Rogers, Senior Center Director.*** ► Ms. Rogers provided an overview of the Senior Circuit Breaker Income Tax Credit. She stated that it is a program for seniors age 65 and older whose property taxes plus half of their water and sewer bills are more than 10 percent of their annual gross income. Renters can also qualify if their rent is greater than 25 percent of their annual income. For the 2020 tax season, the refund can be as high as \$1,150. To obtain the credit, a Massachusetts state income tax return with Schedule CB must be filed. She stated that citizens can call the Senior Center with questions. ► Town Council members thanked Ms. Rogers for her presentation. ► Mr. Hellen pointed out the local community assistance program through the DPW for discounts on water/sewer/trash bills. ► Ms. Pellegrini asked that information on discounts be put on the website. ► Ms. Hamblen confirmed details of the local community assistance program. ► Mr. Dellorco asked if information could be mailed to seniors as putting the information on the website may not be easily obtainable by some people. ► Ms. Rogers stated the information was put into their newsletter that was recently mailed out. ► Mr. Hellen stated that he has reached out to Franklin TV to run PSAs regarding this type of information. It is costly to put information such as this in the newspaper. ► Mr. Cerel pointed out that information on the senior circuit breaker income tax credit is available on the State's website.

► ***Downtown Franklin MBTA Parking Lot.*** ► Mr. Hellen stated that he summarized information for this discussion in his letter to the Town Council dated February 26, 2021, which was provided in the Town Council's meeting packet. He stated that this item is on the list of goals for this session. There is no legislation for action this evening but rather a discussion on the myriad of issues at the station. He referenced a letter he sent to the state and MBTA in the Fall of 2019, regarding the horrific infrastructure at the station. He noted Dean College President Paula Rooney, Representative Roy, and the State Senate delegation have sent letters and advocated on the Town's behalf. Ultimately, it is very expensive to renovate the lot which is why it has not been fixed. ► Town Council members noted the safety issues at the MBTA parking lot and asked questions. ► Mr. Hellen discussed some of the possible reasons why other MBTA stations have been renovated. He noted that in the recent economic development legislation, Chapter 358 of the Acts of 2020, the State will be issuing guidance in the near future regarding new zoning required within a half mile of all commuter rails stations. ► Chair Mercer confirmed that if someone were to get hurt, it is the responsibility of the MBTA. ► Mr. Hellen noted that the Town charges less to park in the Town's lot than the MBTA charges to park in MBTA lot. ► Mr. Kelly discussed that this has been an issue for many years. He suggested that it may take the occurrence of a safety incident for the MBTA to fix the parking lot. ► Mr. Jones noted the MBTA's unwillingness to work with Franklin. ► Mr. Hellen stated that he thought the best opportunity to bring some change is relative to transit-oriented development and rezoning around the station. ► Ms. Hamblen agreed with the possible benefits of rezoning the downtown area.

#### **SUBCOMMITTEE REPORTS:**

- a. **Capital Budget Subcommittee.** ► None.
- b. **Budget Subcommittee.** ► Mr. Kelly stated a meeting will be held on March 17, 2021, at 6 PM.
- c. **Economic Development Subcommittee.** ► Ms. Hamblen stated the subcommittee met tonight. She noted a few items will be coming forward to the Town Council. There is a change in the tasting room

bylaw and the food truck material update. She stated that the subcommittee saw a draft of a business guide to make it easier for businesses to know what they have to do.

#### **LEGISLATION FOR ACTION:**

**Note:** Two-Thirds Vote requires six votes; Majority Vote requires majority of members present and voting.

- a. *Bylaw Amendment 21-869: Chapter 82, Municipal Service Fees Section 82-6 Schedule of Service Fees, Subsection F. Fire - Second Reading (Motion to Adopt Bylaw Amendment 21-869 - Majority Roll Call Vote).*** ► Mr. Jones read the bylaw amendment. ► **MOTION to Adopt** Bylaw Amendment 21-869: Chapter 82, Municipal Service Fees Section 82-6 Schedule of Service Fees, Subsection F. Fire by **Dellorco. SECOND** by **Kelly. Discussion:** ► Mr. Hellen stated that this item was heavily reviewed at the last meeting. ► Fire Chief James McLaughlin reviewed the difference between a BLS (basic life support) and ALS (advanced life support) transport. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES. ► VOTE: Yes-9, No-0, Absent-0.**
- b. *Resolution 21-12: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53 F3/4 (Motion to Approve Resolution 21-12 - Majority Roll Call Vote).*** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 21-12: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53 F3/4 by **Dellorco. SECOND** by **Kelly. Discussion:** ► Mr. Hellen stated that this is the quarterly requirement from the DOR. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES. ► VOTE: Yes-9, No-0, Absent-0.**

**TOWN ADMINISTRATOR'S REPORT:** ► ***COVID-19 Update.*** ► Mr. Hellen announced the Fire Department's 2<sup>nd</sup> Annual St. Patrick's Day corn beef and cabbage dinner for seniors. This year it will not be in person; however, there will be a drive through. He stated those interested should call the Senior Center to make reservations. He stated that Phase 4.1 is anticipated on March 22, 2021. He noted that Franklin's library will reopen to the public on March 22<sup>nd</sup>. He thanked the library staff for their work during the pandemic. He stated that K-12 school staff will be allowed to make vaccine appointments beginning March 11<sup>th</sup>; CVS already has appointments available. He stated that at this time there are not any local vaccine clinics. He noted that Governor Baker made it clear that there are not enough vaccine doses to vaccinate all people who are available to receive the vaccine. ► Ms. Pellegrini stated that 211 is a phone number to call for vaccine appointments.

**FUTURE AGENDA ITEMS:** ► Mr. Frongillo stated that he looks forward to a future conversation on downtown zoning. ► Mr. Bissanti, Mr. Kelly, Mr. Jones, Mr. Dellorco, and Ms. Hamblen requested downtown zoning on a future agenda.

**COUNCIL COMMENTS:** ► Mr. Frongillo noted the Town's sports teams. He stated that while listening to a national podcast, Franklin was highlighted as innovative and doing some great things. ► Mr. Bissanti stated this is a dynamic community. ► Mr. Chandler asked about the buses at King Street. He recognized School Committee Vice Chair Denise Spencer for the good job moderating the legislative forum. ► Mr. Hellen stated the Town has let the buses park there for the month until they can return to their site on Panther Way. ► Ms. Pellegrini stated that Franklin's birthday is March 2; the Town is 243 years old. She noted the CPC met last night. ► Mr. Hellen confirmed the CPC's meeting packets will be available online. ► Mr. Jones congratulated Chris Feeley as Chair of the CPC. ► Mr. Dellorco gave condolences to the Dickinson family. ► Ms. Hamblen reiterated that the Franklin library will be reopening. She encouraged everyone to continue to keep safe. ► Chair Mercer stated it is important to

remind the community of what a great job they have done through the pandemic; they need to continue to do that moving forward. He noted the retirement of Mr. Dave Allard.

**EXECUTIVE SESSION: None.**

**ADJOURN: ► MOTION to Adjourn by Jones. SECOND by Kelly. No Discussion. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegri-YES. ► VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 8:18 PM.**

Respectfully submitted,

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Judith Lizardi  
Recording Secretary

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949  
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

## Memorandum

March 12, 2021

To: Town Council  
From: Jamie Hellen, Town Administrator  
Chrissy Whelton, Assistant to the Town Administrator

**Re: Resolution 21-871 - Municipal Service Fees, Food Trucks**

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Before you tonight is the first reading of a proposed bylaw to add a new permit and fee to Chapter 82, Section 6, Subsection A . Administration, of the Code of the Town of Franklin.

The proposed permit and fee is for a “Food Truck Event Permit” for public events on private property. The total proposed fee will be \$25 per permit with a limit of 2 permits per week. Pursuant to Town Code Section 165-8, No person licensed under the provisions of this chapter shall sell any goods, wares or merchandise in or upon any street or sidewalk within the Town of Franklin within 500 feet of a business selling the same or similar goods, wares or merchandise. Food Trucks, and customers of food trucks, will also be prohibited from parking in the Public Right of Way, unless in a declared, striped parking space.

This proposed bylaw was unanimously approved by the EDC at their March 3, 2021 meeting. The goal of this temporary food truck permit is to help local businesses survive the COVID-19 pandemic and comply with the many new regulations in place.

It is worth noting regardless of where an event takes place, every food truck owner is required to have an inspection from the Board of Health. The Food Vendor permit is a one time fee for a full year and for as many events as they want. It’s our advice that any food truck owner, especially local ones, should have their inspection on an annual basis, just like one would have their car inspected.

If you have any additional questions please feel free to ask.



Sponsor: Administration

## TOWN OF FRANKLIN

### BYLAW AMENDMENT 21-871

#### CHAPTER 82, MUNICIPAL SERVICE FEES

#### A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 82 Section 82-6, Subsection A Administration

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL** that Chapter 82 of the Code of the Town of Franklin is amended at Section 82-6 Schedule of Service Fees, Subsection A. Administration, by adding a new permit fee, set out below:

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§ 82-6. **Schedule of service fees.**

A. Administration

<b>Service Fee</b>	<b>Rate</b>
Club- Wine & Malt	\$750
Liqueurs and Cordials	\$900
Package- Wine & Malt	\$1,500
Common Victualler- Wine & Malt	\$1,125
Club- All Alcohol	\$1,750
Package- All Alcohol	\$2,500
Common Victualler- All Alcohol	\$1,875
Innholder- All Alcohol	\$3,500
One-Day (All Alcohol or Wine & Malt)	\$75
Alcohol Inholder/Rooms only	\$1,300
Common Victualler	\$125
Innholders	\$125
Farmer Brewery, Winery, Distillery	\$250
Alcohol License Modification	\$500
Automatic Amusement	\$125
Weekday Amusement	\$125
Entertainment	\$125
Billiard/Bowling	\$125
Class I	\$125
Class II	\$125
Class III	\$125
Boardinghouse	\$125



Auctioneer	\$85
One-Day Auctioneer	\$85
Junk Dealer	\$85
Taxi/Limousine	\$85
Transient Vendor or Temporary Special Event Food Truck License	\$100
<b>Temporary Food Truck Event on Private Property</b>	<b>\$25</b>
Fortune Teller	\$85
Public Way Access Permit	\$150

This bylaw amendment shall be effective in accordance with the provisions of the Franklin Home Rule Charter.

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**DATED:** \_\_\_\_\_, 2021

**VOTED:**

**UNANIMOUS:** \_\_\_\_\_

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**A True Record Attest:**

**Nancy Danello**  
**Temporary Town Clerk**

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**Glenn Jones, Clerk**  
**Franklin Town Council**

# **Temporary Food Truck Public Event Permit for Private Property**

## **Introduction**

Under section 165 Transient Vendors of the Town Code, the Town Administrator has the authority to develop special, temporary licenses for a period of time.

The Town Administrator announces the establishment of a “Temporary Food Truck Public Event Permit” for the location and operation of Food Trucks within the Town of Franklin. All applicants must adhere to the following special licensure regulations, [Town Code Chapter 165-8](#) of the Town of Franklin and [105 Code of Massachusetts Regulation \(CMR\) 590.009](#).

## **Purpose**

The purpose of these licenses is for private organizations within the Town of Franklin to receive a license to contract with food trucks for temporary public events on private property. The license will allow for food trucks to be set up for business on private property outside of the “Food Truck Friendly Zones”

## **Guidelines and Licensing Requirements**

All potential licensees must adhere to the following regulations:

1. Per Chapter 165-8 of the Town of Franklin Code, licensed food trucks shall not be permitted to operate within 500 feet of a “business selling the same or similar goods, wares or merchandise.”
2. Licensees may only operate at specifically approved times on the license.
3. Licensees shall not deploy any free-standing sign or flags unless specifically permitted and in compliance with local Zoning Bylaw. Applicability of Zoning Bylaw shall be determined by the Town Zoning Enforcement Officer.
4. Licensees may only contract with Food Trucks who are licensed by the Board of Health. The Board of Health offers annual licenses for food trucks. Licenses are a one-time inspection and are good for all special events within Franklin. The Town’s requirements are commensurate with other cities and towns such as the City of Boston. Board of Health 508-520-4905.
5. Licensees shall not deploy tables or seating, unless specifically permitted.
6. Food Trucks shall not be positioned so as to expose the general public to vehicular traffic, mechanicals, generators, or other unsafe conditions for patrons.
7. No licensee or employee of the licensee shall consume any alcoholic beverage, marijuana or unlawful controlled substances, while on duty.

8. No licensee or employee of the licensee shall be permitted to consume or smoke any tobacco products within 35 feet of the truck, while working as per Board of Health regulations and state law.
9. This license does not authorize the sale of non-food novelty items such as: t-shirts, hats, toys, etc. A separate retail license must be obtained from the Licensing Authority to receive permission to sell non-food items.

### Application Information

Applications will only be accepted online: <https://franklinma.viewpointcloud.com/>

To apply for a “Temporary Food Truck Public Event Permit”, the following information will be required:

- General information on the applicant, dates, times, and event information.
- Copies of Hawkers and Peddlers licenses from each Food Truck vendor and any other information.
- Event site plan (or sketch), if applicable, to depict the positioning of the food trucks and other information on the event.
- The local fee for a Temporary Food Truck on Private Property is \$25.00 for the licensee. Each food truck shall have a valid Mobile Food vehicle license from the Board of Health to conduct business at any special event. [See Municipal Fee Schedule in the Town Code.](#)
- A valid Hawkers, Peddlers and Transient Vendor's license from the Commonwealth of Massachusetts is required for each manager/owner of a food truck. The state license must be current for the duration of the locally permitted and licensed operation. If at any time, the state license is revoked, suspended and/or not active the local license shall be void.

## FOOD TRUCKS FACT SHEET- PERMITS NEEDED

### Food Truck Private Event

Food Trucks on private property for a private event: (*example - birthday party at residential home, staff party on private business property*)

- No Food Truck vehicle shall be parked within the public right of way.
- Apply for a "Food Vendor Permit" with the Health Department here (good for a full year):  
<https://franklinma.viewpointcloud.com/categories/1082/record-types/6582>

### Food Truck Public Event Permit

Food Trucks on private property for a public event: (*example- private business having a food truck event for promotional services on private property*)

- These events will be limited to 2 permits per week, per business.
- Pursuant to Town Code Section 165-8, No person licensed under the provisions of this chapter shall sell any goods, wares or merchandise in or upon any street or sidewalk within the Town of Franklin within 500 feet of a business selling the same or similar goods, wares or merchandise.
- No Food Truck vehicle shall be parked within the public right of way.
- Apply for a "Food Truck Public Event Permit" here:  
<https://franklinma.viewpointcloud.com/categories/1080/record-types/6592>
- Food Vendor Permit through the Health Department for each food truck (good for a year)  
<https://franklinma.viewpointcloud.com/categories/1082/record-types/6582>

### Temporary Special Event Food Truck License

Food Trucks in a Public Way: (*example - Taste of Art Week Festival on the Town Common*)

- Not permitted unless for a "Temporary Special Event Food Truck License" in Food Truck Friendly Zone
- Apply for a Temporary Special Event Food Truck License here (good for one event):  
<https://franklinma.viewpointcloud.com/categories/1080/record-types/6448>

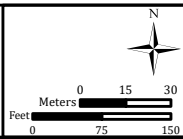




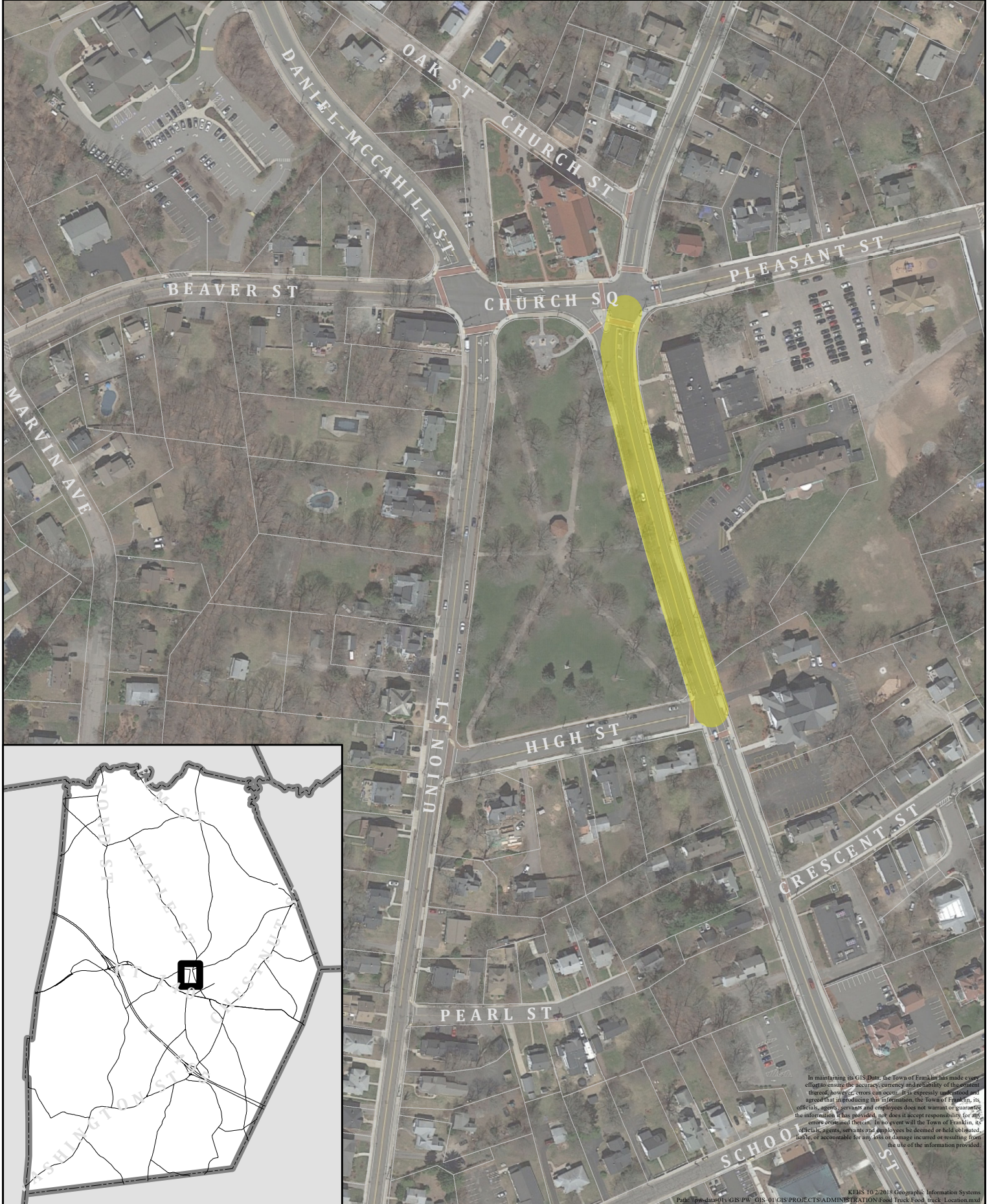
# FOOD TRUCK FRIENDLY ZONES

- Food Truck Zone
- Street
- Parcel Line
- Municipal Boundary

Imagery © Google



**Franklin**  
MASSACHUSETTS



In maintaining its GIS Data, the Town of Franklin has made every effort to ensure the accuracy, currency and reliability of the content thereof; however, errors can occur. It is expressly understood and agreed that in relying on this information, the Town of Franklin, its officials, agents, servants and employees does not warrant or guarantee the information it has provided, nor does it accept responsibility for any errors contained therein. In no event will the Town of Franklin, its officials, agents, servants and employees be deemed or held obligated, liable, or accountable for any loss of damage incurred or resulting from the use of the information provided.



*Town of Franklin, MA  
Wednesday, October 16, 2019*

## Chapter 165. Transient Vendors

### § 165-1. Scope; purpose; authority.

- A. This chapter is enacted to supplement the provisions of Chapter 101 of the Massachusetts General Laws regulating the sale of goods, wares or merchandise by transient vendors, hawkers and peddlers and is intended to cover the sale of goods, wares or merchandise by all persons who are subject to the provisions of the said Chapter 101 and by certain other persons who may, by legislative oversight, be excluded from the scope of said statute.
- B. It is the specific and express purpose of this chapter to regulate, inter alia, the sale of goods, wares or merchandise by all transient vendors, hawkers and peddlers, not only those who go from town to town or from place to place within one town, but also those who conduct their business at a single location within one town and who may do so, not only within any tent, booth, building or other structure shelter, but also in the open air on any lot of land or part thereof.
- C. In the enactment of this chapter, the Town Council of the Town of Franklin specifically relies upon powers made available to it by Section 8 of Article 89 of the amendments to the State Constitution and by MGL c. 43B, § 13.

### § 165-2. Local license requirement; general applicability of regulations.

No person, either principal or agent, who engages in a temporary or transient business selling any goods, wares or merchandise, either in one location or in traveling from place to place, shall conduct such business within the Town without first having obtained any license required under MGL c. 101 and a local transient vendor license issued by the Town Administrator. Subject to federal and state law, no license shall be granted to any person who is not a citizen of the United States unless such person is authorized to work in the United States by the Federal Immigration and Naturalization Service, nor shall a license be issued to any entity that is not duly organized and authorized to conduct business within the commonwealth.

### § 165-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### **TEMPORARY OR TRANSIENT BUSINESS**

Any exhibition and sale of goods, wares or merchandise which is carried on at any location within this Town, unless such place is open for business during usual business hours for a period of at least 12 consecutive months during the current year. No person shall be relieved from complying with the provisions of this chapter merely by reason of associating himself temporarily with any local dealer, trader or merchant or by conducting such temporary or transient business in connection with or as a part of the business of, or in the name of, any local dealer, trader or merchant.

**TRANSIENT VENDOR**

Any person, whether principal or agent, who engages in a temporary or transient business in the Town of Franklin, whether at a single location or by going from place to place within the Town, selling or exhibiting for sale any goods, wares or merchandise.

**§ 165-4. Exclusions.**

- A. The provisions of this chapter shall have no application to any person, business, or activity which MGL c. 101 specifically exempts from local regulation.
- B. In those cases where MGL c. 101 provides that a person, business, or activity is exempt from local licensure or the payment of a fee therefor, the remaining provisions of this chapter shall still apply.

**§ 165-5. Application information.**

- A. Every person, before commencing business in this Town as a transient vendor or a locally licensed hawker or peddler, shall make written application to the Administrator on a form to be provided, stating:
  - (1) The business sought to be conducted.
  - (2) The names and residential addresses of the applicant and the owners or parties in whose interest said business is to be conducted.
  - (3) The place or places in the Town where the applicant proposes to carry on said business.
  - (4) The authority, if any, for the use of said premises.
  - (5) The proposed hours of operation for said business.
  - (6) The period of time during which it is proposed that said business shall be conducted.
- B. Each such application shall have attached thereto copies of any license which may have been issued for such business under Chapter 101 of the General Laws or otherwise.

**§ 165-6. Review of application.**

- A. The Town Administrator shall, forthwith upon its receipt, forward copies of all applications as are received by it to the Police Chief, the Fire Chief, the Building Commissioner and the Board of Health, unless such application shall indicate that the applicant has provided for such copies of the application to be filed with said agencies at the time of filing his application with the Town Administrator.
  - (1) The Police Chief shall examine into the character and reputation of each person named in the application to determine if said applicant shall be a person of good repute as to morals and integrity. The Police Chief shall review and examine each location proposed to be used for the sale of goods, wares or merchandise and the hours designated for such operation to determine if, in his opinion, any public safety hazard would exist by reason of the location, the hours of operation or the nature of the goods, wares or merchandise to be sold.
  - (2) The Fire Chief shall review and examine each location proposed to be used for the sale of goods, wares or merchandise and the hours designated for such operation to determine if, in his opinion, any public safety hazard would exist by reason of the location, the hours of operation or the nature of the goods, wares or merchandise to be sold.

- (3) The Building Commissioner shall examine and review each location proposed to be used, the hours designated for such operation and the nature of the goods, wares or merchandise to be sold to determine if, in his opinion, such are in conformity with the Zoning Bylaw and the Building Code.<sup>[1]</sup>

[1] *Editor's Note: See Ch. 185, Zoning, and the Massachusetts State Building Code, respectively.*

- (4) The Board of Health shall review and examine each location proposed to be used for the sale of goods, wares or merchandise, the hours designated for such operation and the nature of the goods, wares or merchandise to be sold to determine their conformity with the provisions of the State Sanitary Code and any local regulations of the Board of Health.<sup>[2]</sup>

[2] *Editor's Note: See Division 3 of this Code.*

- B. Each of said agencies shall make whatever report it deems necessary to the Town Administrator within one week of receipt of such application, recommending such measures or restrictions on the issuance of any license as may be necessary to protect the public peace, health, safety or general welfare of the community.

## § 165-7. Grounds for denial of license.

The Town Administrator may refuse to grant a license to any applicant if he finds that the applicant's character or business responsibility is unsatisfactory or that approval of a license is otherwise inconsistent with protection of the public peace, health, safety or general welfare.

## § 165-8. License conditions.

Each license issued under the provisions of this chapter is subject to the following conditions:

- A. No person licensed under the provisions of this chapter shall stand in or upon or park a motor vehicle in or upon or display his goods, wares or merchandise in or upon any street or sidewalk in the Town of Franklin or within 20 feet of the side line of any street, for more than 20 minutes, at one location. At the end of said time, said person shall move at least 500 feet and shall not return to any location where he has previously operated for at least four hours.
- B. No person licensed under the provisions of this chapter shall sell any goods, wares or merchandise in or upon any street or sidewalk within the Town of Franklin within 500 feet of a business selling the same or similar goods, wares or merchandise.
- C. Each license shall state with specificity the place or places at which it shall be valid, the hours of operation at each such place and the specific goods, wares or merchandise which are to be offered for sale at such places and during such times.
- D. No license may be transferred or assigned by the licensee, but a licensee may have the assistance of one or more persons in conducting his business, who may aid him but not act for him or without him.
- E. Public disturbance and threats to health and safety prohibited. No sale, barter, display for sale, or carrying for sale shall be permitted by any licensee, if such activities create a threat to the physical safety of patrons, purchasers or passersby, or if the activities of patrons or purchasers create a threat to the physical safety of others. No person hawking, peddling, or carrying or exposing any article for sale shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the Town, nor carry or convey such articles in any manner that will tend to injure or disturb the public health or comfort nor otherwise than in vehicles and receptacles which are neat and clean and do not leak.



- F. Town land. No sale, barter, display for sale, or carrying for sale shall be permitted, and no licensee shall operate, upon any public street or way, the Town Common, or any other Town land, without a license issued under this chapter. The license shall be maintained in the possession of each licensee during business operations and shall be provided to any police officer or Town enforcement official upon request.
- G. Private property. No sale, barter, display for sale, or carrying for sale shall be permitted, and no licensee vendor shall operate, upon any private property without a license issued under this chapter and the written permission of the owner of said property. Both the license and a copy of such written permission shall be maintained in the possession of each licensee during business operations and shall be provided to any police officer or Town enforcement official upon request.
- H. Each license issued under this chapter shall expire on the first day of January next following its issuance, unless sooner surrendered or revoked.

## § 165-9. Fees.

- A. Every transient vendor, upon making application under §§ **165-5** through **165-6** above, shall pay an application fee as established in Chapter **82**, Fees, of the Code of the Town of Franklin.
- B. The Town Administrator may authorize his office, upon the payment by the applicant of a license fee as established in Chapter **82**, Fees, of the Code of the Town of Franklin, to issue to him a license authorizing the sale of such goods, wares and merchandise within the Town.
- C. Upon such payment, the Town Administrator's office shall record the "local license fees paid."

## § 165-10. Temporary licenses.

Nothing in this chapter shall prevent the Town Administrator from granting, under such conditions and upon such fees, if any, as he may deem proper, special licenses authorizing a fraternal, religious, civic, veterans or other charitable organization to conduct a temporary or transient business for a particular time period not to exceed a total of four consecutive days.

## § 165-11. Violations and penalties.

A violation of any provision of this chapter shall result in a fine of \$100 for each offense; each day that the violation continues shall constitute a separate offense, except in the case of hawkers and peddlers holding a state license under MGL c. 101, § 22, or a local license under § 17 of said statute who shall be liable for a fine of \$20 for each offense, as provided in said § 17.

## § 165-12. Enforcement.

The Town Administrator or his designee, the Franklin Police Chief and Fire Chief or their designees, the Building Commissioner and the Board of Health Agent are each authorized to enforce the provisions of this chapter.

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949  
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

## Memorandum

March 12, 2021

To: Town Council

From: Jamie Hellen, Town Administrator

**Re: Resolution 21-871 - Tasting Room Definition**

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Before you tonight is a proposed Zoning Bylaw Amendment to modify the definition of a tasting room. A tasting room is 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. The former bylaw stated that a tasting room “may not be greater than 25% of the main building's gross square footage”. This bylaw will strike that former language and redefine a tasting room as an “accessory use to the primary brewery, distillery, or winery use”.

If you have any additional questions please feel free to ask.

# **FRANKLIN PLANNING & COMMUNITY DEVELOPMENT**

355 EAST CENTRAL STREET, ROOM 120  
FRANKLIN, MA 02038-1352

TELEPHONE: 508-520-4907  
FAX: 508-520-4906

## **MEMORANDUM**

**TO: JAMIE HELLEN, TOWN ADMINISTRATOR**  
**FROM: BRYAN W. TABERNER, AICP, DIRECTOR**  
**RE: PROPOSED BYLAW AMENDMENT – TASTING ROOM DEFINITION**  
**DATE: FEBRUARY 19, 2021**  
**CC: MARK CEREL, TOWN ATTORNEY; GUS BROWN, ZONING ENFORCEMENT;  
AMY LOVE, TOWN PLANNER; CHRISSEY WHELTON, ASSISTANT TO THE  
TOWN ADMINISTRATOR**

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In June 2017 Franklin Town Council approved three Zoning Bylaw amendments that collectively allow a brewery, distillery, or winery that holds a Farmer Series Pouring License to have a Tasting Room. One of the amendments, Zoning Bylaw Amendment 17-788, added a definition for a “Tasting Room” in Section 185-3 Definitions of Franklin’s Town Code.

It has come to the attention of the Town Administrator, Building Commissioner, Economic Development Committee, and the Department of Planning and Community Development that the definition of Tasting Room in Section 185-3 has created problems for at least one business in Franklin. In addition, the Tasting Room definition has impeded the efforts of others from starting a Farmers Series brewery, distillery, or winery; without changes to the definition this will likely continue in the future. The current Tasting Room definition is as follows:

*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.*

Tasting Room Size Restriction. The problem identified with the definition is the restriction on size of a Tasting Room. Limiting a Tasting Room to 25 percent of the main building's gross square footage was similar to Franklin’s limitation on retail uses in any manufacturing facility. The primary use is manufacturing (in this case *brewery, distillery, or winery*); the accessory use (limited to 25%) is display and sale of product manufactured on site. Treating a Tasting Room as a normal accessory to manufacturing use is our problem.

While working on development of the above mentioned Zoning Bylaw Amendments and Tasting Room definition, Town staff did a substantial amount of research on the Zoning requirements and restrictions of other communities that allow Farmer Series Pouring Licenses. Franklin’s Zoning Bylaw requirements for Tasting Rooms are very similar to those of other communities researched in 2017. Limiting Tasting Rooms by maximum percentage of the whole facility is fairly common, although limiting Tasting Rooms to 33% was more common than 25%.

Town staff originally proposed limiting Tasting Rooms to 33% of the main building's gross square footage, but during the Planning Board public hearing the Board recommended changing to 25%, as that was the norm for accessory uses to manufacturing facilities. The zoning amendment was revised to 25% and approved by Town Council.

There is a substantial difference between a Tasting Room and uses that are normally accessory to manufacturing facilities. Normally a manufacturer's accessory display and retail/wholesale sales area is relatively small in comparison to the manufacturing area. With a brewery, distillery, or winery, the non-manufacturing area is substantially more than a display area and counter for sales.

In addition to selling malt, spirituous, or vinous beverages by the bottle to consumers for off premises consumption, a Commonwealth of Massachusetts issued Farmer Series Pouring License, once approved by the Local Licensing Authority, allows alcoholic beverages produced by the manufacturer to be consumed on the premises. Therefore the size of the Tasting Room needs to include areas for customers to sit or stand and drink the manufacturer's beverages. It has also become common practice for customers to bring their own food, or contact a local restaurant for delivery, in which case customers are in the building for good lengths of time. In addition, the facility is allowed to host marketing events, special events, and factory tours.

By limiting the percentage of building square footage, businesses may not be able to buildout the size and type Tasting Room that works best for a specific location. It was never the intent of the Town's 2017 Zoning Bylaw Amendments to make it difficult for individuals wishing to start a Farmers Series brewery, distillery, or winery to have a Tasting Room that is not big enough for a business to prosper; this does appear to happen in some cases.

All this is to say a Tasting Room, although an accessory use to the primary beverage manufacturing use, may need to be substantially larger than 25% (or even 33%) of the building's size. The exact percentage of total building square feet does not appear to be the best way to regulate the accessory use.

DPCD recommends the Tasting Room definition be amended by making two changes:

1. Delete the following sentence: "A tasting room may not be greater than 25% of the main building's gross square footage".
2. Add in its place the following sentence: "A tasting room is an accessory use to the primary brewery, distillery, or winery use".

The Tasting Room accessory use would continue to be regulated as it is currently; the only difference is there would be no specific percentage restriction on the Tasting Room's size. A Planning Board special permit would be required. The Board can require changes to the applicant's proposed plans in a variety of ways, including separating the manufacturer and Tasting Room entrances and public access; limiting the number of seats based on Building, Engineering and Health Departments' input and related regulations; requiring sufficient parking; and or other restrictions specific to each sites individual characteristics.

DPCD staff believe it is in the community's best interest to amend the Tasting Room definition. Attached is a draft Zoning Bylaw Amendment for review and consideration. Please let me know if you have questions or require additional information.



SPONSOR: *Town Administration*

**TOWN OF FRANKLIN  
ZONING BY-LAW AMENDMENT 21-872  
DEFINITIONS. 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 the following **additions** and **deletions** to §185-3 Definitions:

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 25% of the main building's gross square footage.~~ **A tasting room is an accessory use to the primary brewery, distillery, or winery use.**

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.

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**DATED:** \_\_\_\_\_, 2021

**VOTED:**

**UNANIMOUS:** \_\_\_\_\_

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**A True Record Attest:**

**Nancy Danello  
Temporary Town Clerk**

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**Glenn Jones, Clerk  
Franklin Town Council**