

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

June 16, 2023

To: Town Council
From: Jamie Hellen, Town Administrator

Re: Zoning Bylaw Amendment 23-899: Marijuana Use Overlay District, A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 5, Zoning Map

I am asking the Town Council to refer Zoning Bylaw Amendment 23-899 to the Planning Board. This bylaw amendment is a housecleaning item of the marijuana overlay district. At their June 7th meeting, the EDC voted unanimously (4-0) to move Zoning Bylaw Amendment 23-899 to the full Town Council for consideration.

For further information, please see the 6/14/23 dated memo from Bryan Taberner in the packet.

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

TO: FRANKLIN TOWN COUNCIL
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: ZONING MAP AMENDMENT 23-899: MARIJUANA USE OVERLAY DISTRICT
CC: JAMIE HELLEN, TOWN ADMINISTRATOR; MARK G. CEREL, TOWN ATTORNEY;
AMY LOVE, TOWN PLANNER; GUS BROWN, ZONING ENFORCEMENT OFFICER
DATE: JUNE 14, 2023

At their May 3, 2023 meeting the Economic Development Subcommittee voted to have Department of Planning & Community Development (DPCD) staff update the Marijuana Use Overlay District map.

In recent years there have been several changes in the Marijuana Use Overlay District, including the permitting of three marijuana grow facilities and three retail dispensary facilities, as well as the addition of a school on Grove Street. The Marijuana Use Overlay District map was last updated in February 2017 (by approval of Zoning Bylaw Amendment 17-781); with the recent development and continual land use changes within the underlying Industrial Zoning District, an update at this time is required. The current Marijuana Use Overlay District map is attached (Attachment 1).

The new marijuana-related facilities have brought a substantial amount of tax revenue to the Town; in order to continue allowing these facilities to come to Town, amending the Marijuana Use Overlay District Map is needed to identify areas for possible growth.

Current Zoning Regulations within the Marijuana District

§185-49 of Franklin Town Code provides regulations for the Marijuana Use Overlay District; all marijuana facilities must comply with these regulations. §185-49(5) provides a description of where in Franklin marijuana-related facilities are allowed; §185-49(5) has been pasted below for reference.

§185-49. Marijuana Use Overlay District.

5. Location

- a. The marijuana use overlay district consists of those parcels of land zoned industrial that are located south or west of the sideline of Interstate 495; and which are not within 500 feet of a public or private school, and not within 200 feet of a residential zoning district, library, church, child-care facility, park, and playground. The 500 feet and 200 feet distances shall be measured from all property lines of the proposed use; State Forest land shall not be considered when determining the proximity of a parcel to a residential zoning district.

While determining where to add or remove parcels, the criteria listed above must be met first.

Proposed Marijuana Use Overlay District Map Changes

DPCD staff conducted an assessment of all parcels within the Industrial Zoning District located south or west of the sideline of Interstate 495 to identify any parcels currently within the Marijuana Use Overlay District that should be removed, and if others should be added. DPCD created three maps that are at scales that is much easier to see parcel details than the Town-wide Marijuana Use Overlay District map.

The three maps in Attachment 2 are of the following areas:

Map A. In and around Forge Park

Map B. Along the Grove Street Corridor

Map C. In and around Franklin Industrial Park.

The three maps have been marked up in the following way: 1.) Where DPCD suggests removing parcels from the Marijuana Use Overlay we put a red **X**; 2.) Where we suggest adding a parcel we wrote **Add**. Recommended Marijuana Use Overlay District map changes are as follows:

1. Forge Park. The proposed changes in Forge Park are removal of two parcels within 200 feet of the Hockomock Area YMCA, and addition of five parcels that meet the location criteria in §185-49(5);
2. Grove Street Area. The largest proposed change within the Marijuana Overlay District Map is the removal of four parcels on Grove Street, made necessary with the siting of a new school at 122 Grove Street. In addition, one parcel on the west side of Grove Street was added, as it meets the location criteria in §185-49(5);
3. Franklin Industrial Park. Proposed changes in Franklin Industrial Park include removal of one parcel on Constitution Boulevard, as it directly abuts a daycare at the corner of Upper Union and Constitution Boulevard. In addition, three properties along Upper Union Street are being proposed for addition to Marijuana Use Overlay District Map, as they meet the location criteria in §185-49(5).

As mentioned above, proposed changes to the Marijuana Use Overlay District Map identify parcels that meet the Town's regulations, and areas for future growth of the Marijuana industry. Using the three attached maps and the above recommended changes, DPCD worked with the Town's GIS Department to update the Marijuana Use Overlay District Map and create Zoning Map Amendment 23-899 (Attached).

At their June 7, 2023 meeting the Economic Development Subcommittee voted to send the Zoning Map Amendment to the full Council for consideration. If Town Council members approve of the proposed amendment to the Marijuana Use Overlay District map we ask that Town Council vote to send Zoning Map Amendment 23-899 to the Planning Board for a public hearing. We look forward to discussing the proposed Overlay Map Amendment.

Additional Potential Changes to Marijuana Use Overlay District Regulation




As there has been some discussion of the possibility of expanding the Marijuana Use Overlay District, in addition to updating the overlay map, DPCD did a quick review of marijuana use related zoning issues.

Currently, the Marijuana Use Overlay District is only located in the Industrial Zoning District to the south or west of the sideline of Interstate 495. Extending the Marijuana Use overlay outside of this industrially zoned area could take several forms. A few examples are listed below:

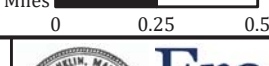


- Allow the marijuana uses within all industrially zoned areas, and keep the current siting limitations within §185-49(5).
- Allow the marijuana uses within other zoning districts, possibly Commercial II, Business, and or Mixed Business Innovation, and keep the current siting limitations within §185-49(5).
- Only allow Retail/Medicinal Retail Marijuana facilities within the additional areas added to the overlay district.
- Remove some of the limitations on siting marijuana facilities; this may include removing the limitation on siting facilities within 200 feet of a residential zoning district.
- Any combinations of scenarios listed above.


Whatever is decided, any additional changes beyond the currently proposed Zoning Map Amendment 23-899 will require partial rewrite of §185-49, as well as amendments to §185-3 Definitions, and §185-7 and related Use Regulation tables in Attachments 3 and 4.

MARIJUANA USE OVERLAY DISTRICTS

-  Marijuana Use Overlay District*
-  Parcel Line
-  Municipal Boundary

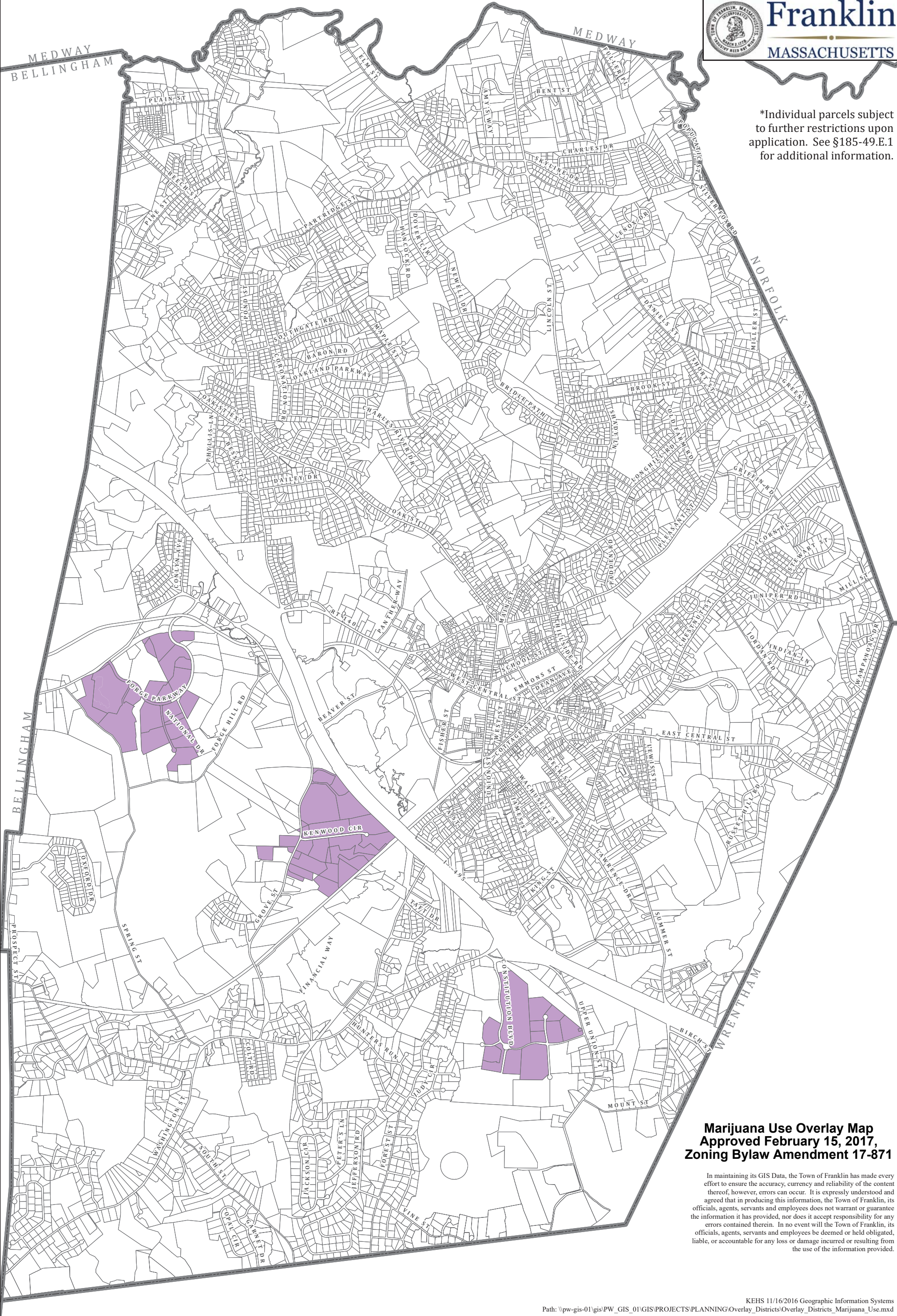
Attachment 1





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*Individual parcels subject to further restrictions upon application. See §185-49.E.1 for additional information.



**Marijuana Use Overlay Map
Approved February 15, 2017,
Zoning Bylaw Amendment 17-871**

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 producing 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 or damage incurred or resulting from the use of the information provided.

MARIJUANA District Detail

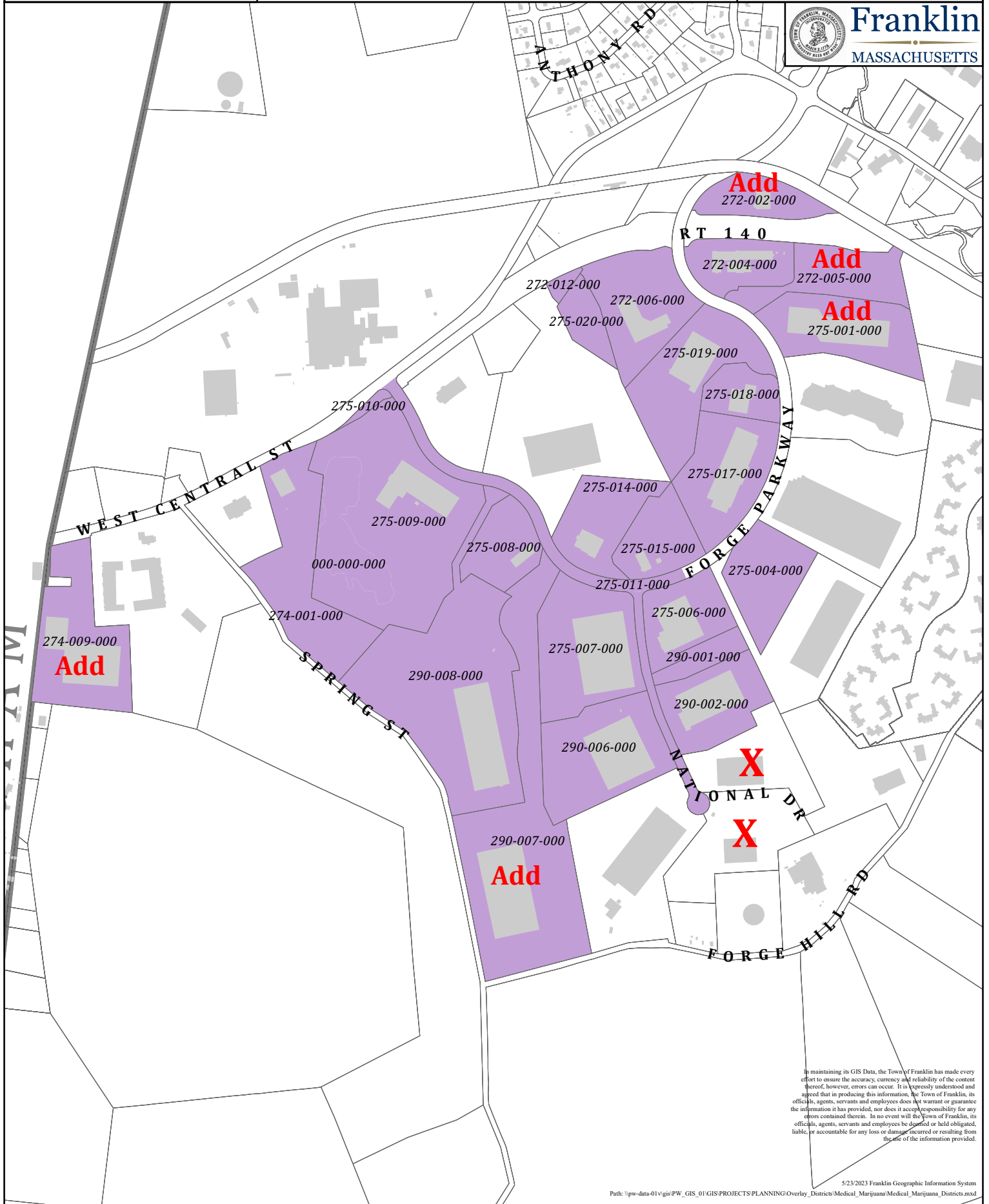
- Marijuana District
- Building
- Parcel Line

Attachment 2 Map A

0 50 100
Meters
0 250 500
Feet





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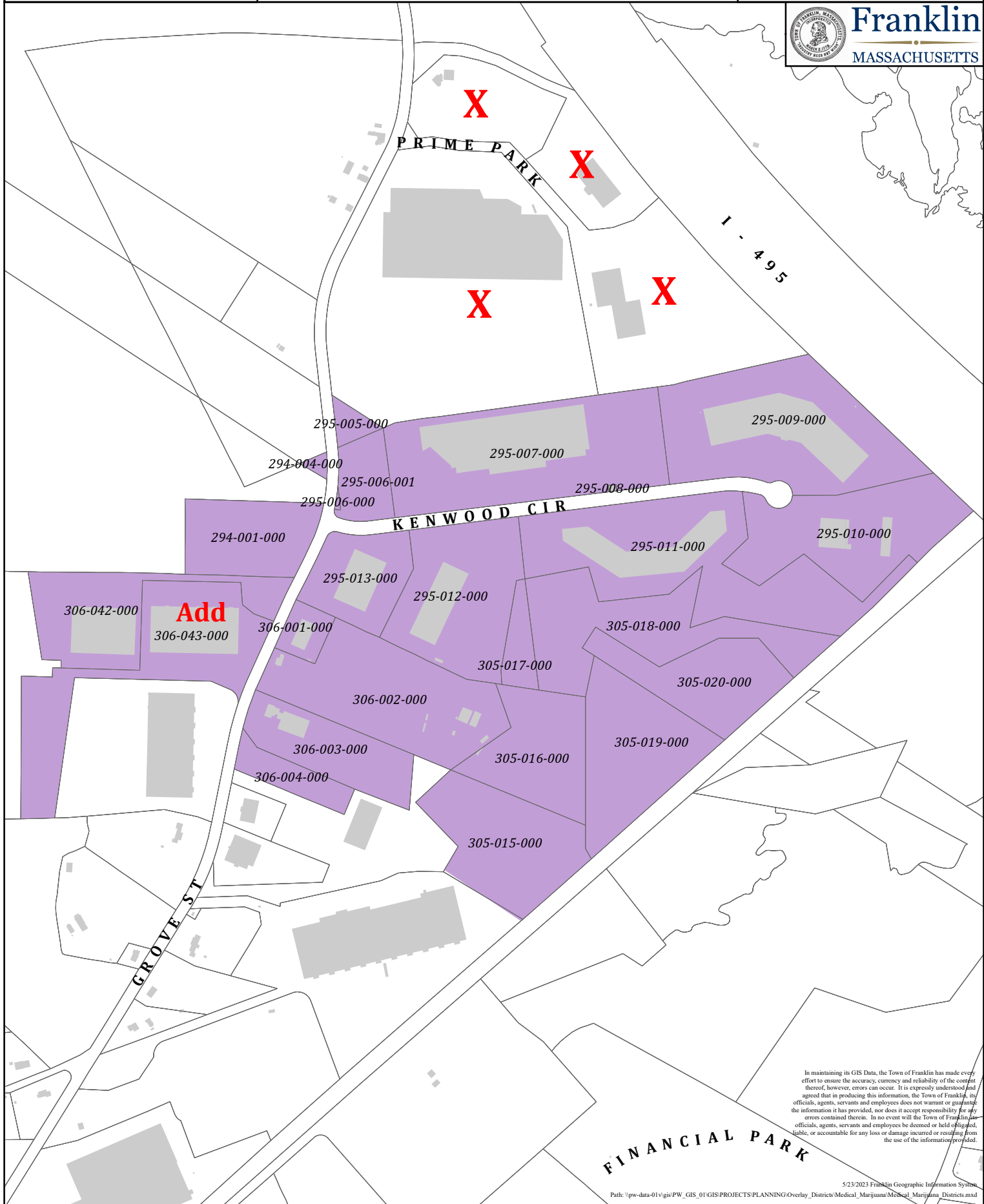
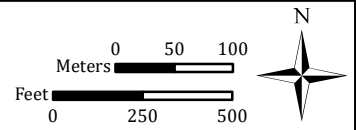


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MARIJUANA District Detail




-  Marijuana District
-  Building
-  Parcel Line

Attachment 2 Map B

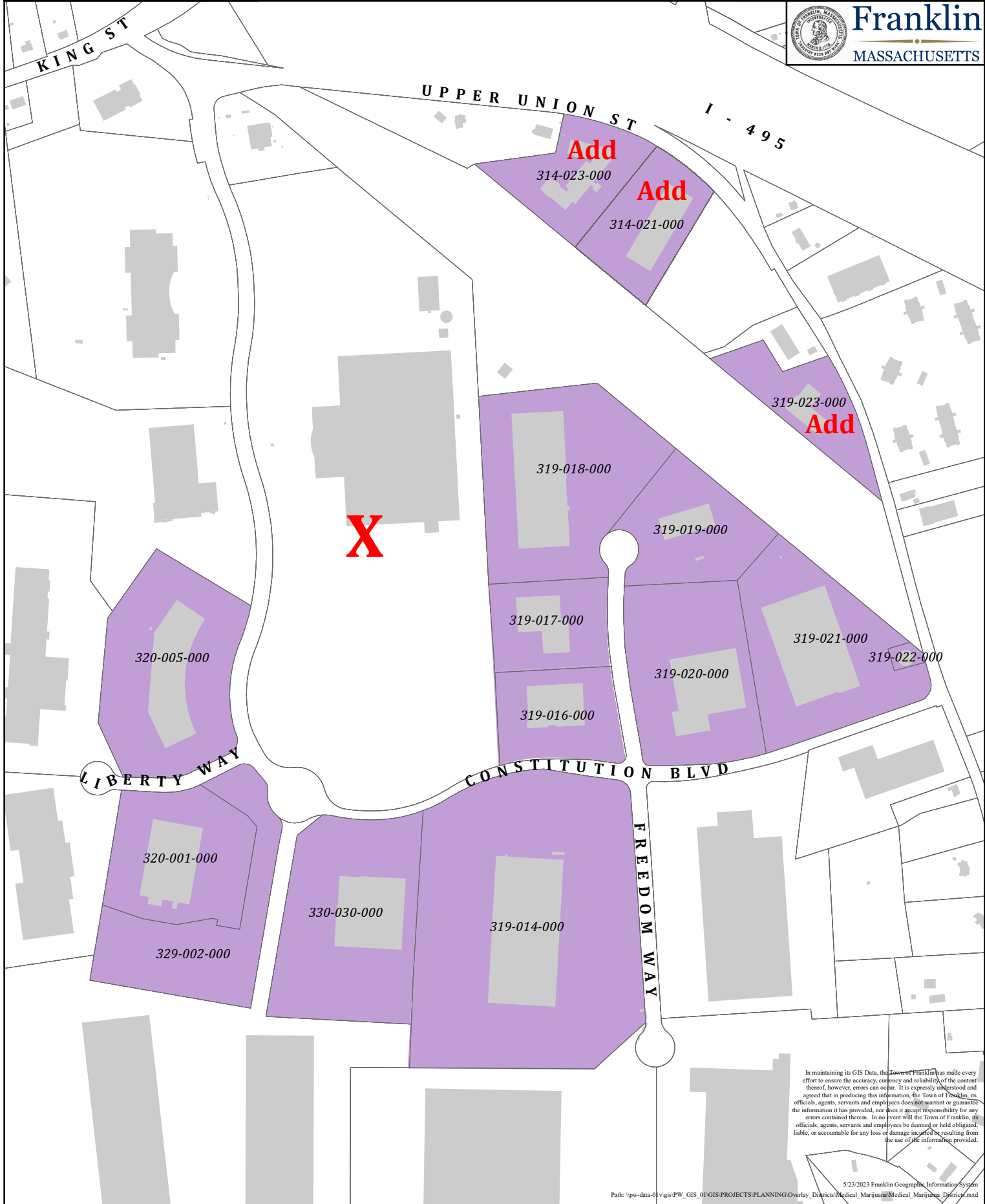
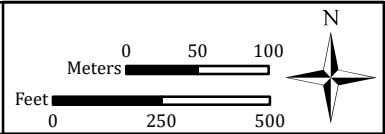


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MARIJUANA District Detail

-  Marijuana District
-  Building
-  Parcel Line

Attachment 2 Map C



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SPONSOR: *Town Administration*

**TOWN OF FRANKLIN
ZONING BYLAW AMENDMENT 23-899**

MARIJUANA USE OVERLAY DISTRICT

**A ZONING BY-LAW AMENDMENT TO THE CODE OF THE TOWN OF
FRANKLIN AT CHAPTER 185 SECTION 5, ZONING MAP**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT: The Code of the Town of Franklin is hereby amended by making the following amendments to §185-5, Zoning Map:

That the Zoning Map of the Town of Franklin be amended by deleting from the Marijuana Use Overlay District the following seven parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

288-004-000	295-002-000	295-004-000
290-003-000	295-003-000	319-015-000
290-004-000		

And the Zoning Map of the Town of Franklin be amended by adding to the Marijuana Use Overlay District the following nine parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

272-002-000	275-001-000	314-021-000
272-005-000	290-007-000	314-023-000
274-009-000	306-043-000	319-023-000

The area to be rezoned is shown on the attached map ("Proposed Zoning Map Changes to the Marijuana Use Overlay District").

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: _____, 2023

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____




ABSTAIN: ____ **ABSENT:** ____

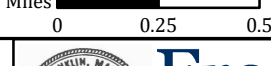
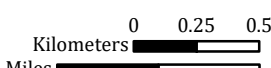
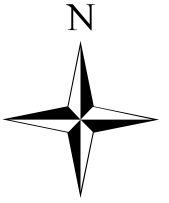
RECUSED: _____


Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

MARIJUANA USE OVERLAY DISTRICTS

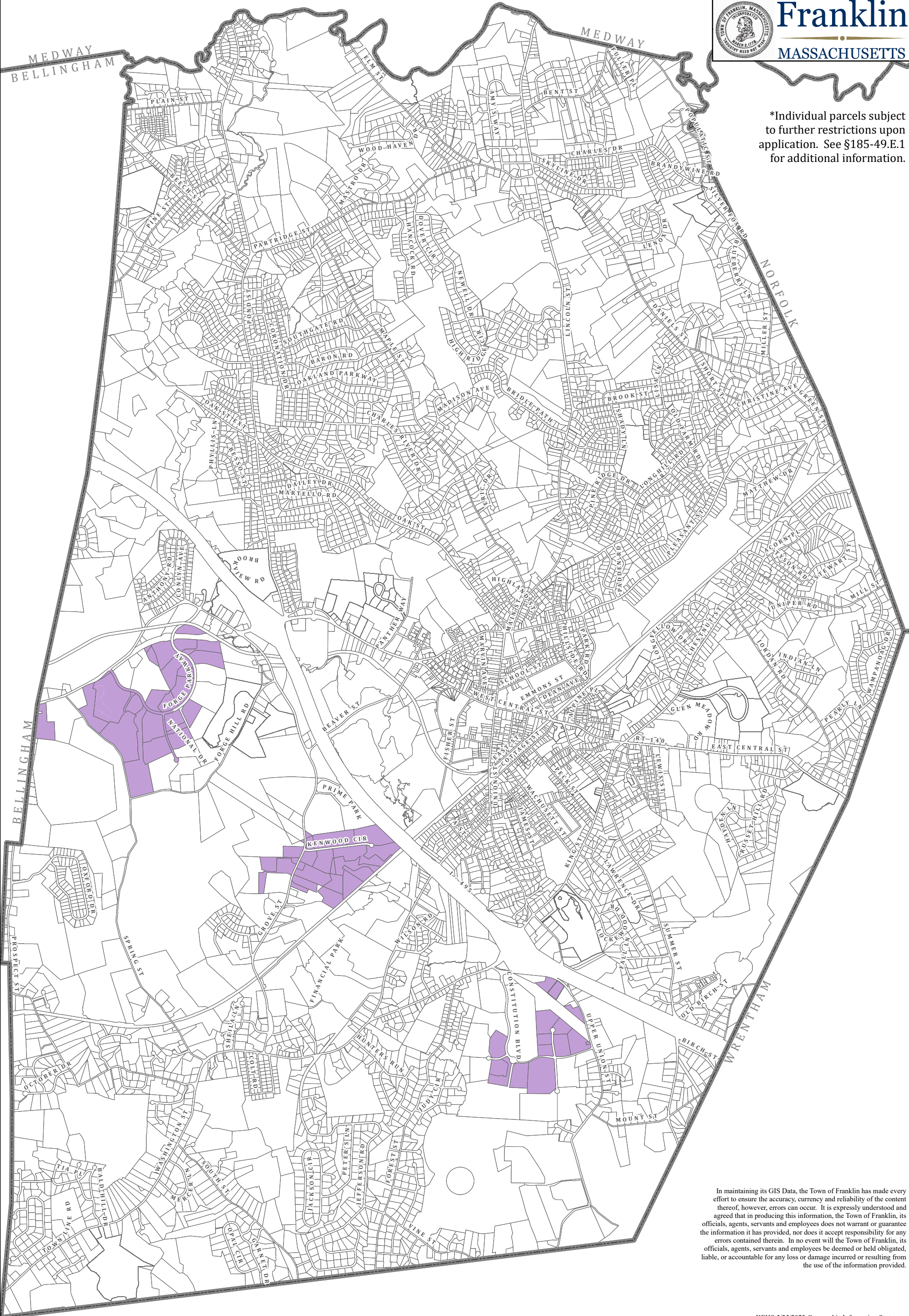
-  Marijuana Use Overlay District*
-  Parcel Line
-  Municipal Boundary





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