



## **FRANKLIN TOWN COUNCIL**

**January 9, 2013**

**7:00 PM**

**A. APPROVAL OF MINUTES** – *October 17, 2012*

**B. ANNOUNCEMENTS** – *This meeting is being recorded by Franklin TV and shown on Comcast channel 11 and Verizon channel 29. This meeting may be recorded by Franklin Matters.*

**C. PROCLAMATIONS/RECOGNITIONS**

**D. CITIZEN COMMENTS**

**E. APPOINTMENTS** – *Library Board of Directors*

**F. HEARINGS**

**G. LICENSE TRANSACTIONS** – *Change of Manager – T.D. Beverage Inc.*

**H. PRESENTATIONS/DISCUSSIONS** – *Medical Marijuana Zoning*

**I. SUBCOMMITTEE REPORTS**

**J. LEGISLATION FOR ACTION**

1. *Zoning Bylaw Amendment 12-695: Changes to § 185-31. Site Plan and Design Review- Remove from table - 1<sup>st</sup> Reading*
2. *Zoning Bylaw Amendment 12-696: Changes to § 185-20. H. Signs. Sign Approvals- Remove from table - 1<sup>st</sup> Reading*
3. *Zoning Bylaw Amendment 12-697: Changes to § 185-45. N. Administration and Enforcement. Design Review Commission- Remove from table - 1<sup>st</sup> Reading*
4. *Bylaw Amendment 13-699: Amendment of Service Fee Rates: Administration- 1<sup>st</sup> Reading*

**K. TOWN ADMINISTRATOR'S REPORT**

**L. OLD BUSINESS**

**M. NEW BUSINESS**

**N. COUNCIL COMMENTS**

**O. EXECUTIVE SESSION** – *Negotiations, Litigation, Real Property, as May Be Required*

**P. ADJOURN**

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
October 17, 2012**

A meeting of the Town Council was held on Wednesday, October 17, 2012 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present; Andrew Bissanti, Robert Dellorco, Glenn Jones, Matt Kelly, Thomas Mercer, Judith Pfeffer, Tina Powderly, Jeff Roy, Robert Vallee. Administrative personnel in attendance: Jeffrey Nutting; Town Administrator, Mark Cerel; Town Attorney and Maxine Kinhart; Assistant to the Town Administrator. Other Officials Present: Stephan Semerjian; Chief of Police.

**CALL TO ORDER:** Chairman Vallee called the meeting to order at 7:00PM with a moment of silence and the Pledge of Allegiance.

**APPROVAL OF MINUTES: *September 19, 2012 Regular Session:*** **MOTION** by Councilor Powderly to approve the September 19, 2012 Minutes **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

**ANNOUNCEMENTS:** Chairman Vallee announced the meeting was recorded by Franklin TV and available for viewing on Comcast Channel 11 and Verizon Channel 29. The meeting was also recorded by Franklin Matters.

**PROCLAMATIONS/RECOGNITIONS:** NONE.

**AGENDA ADDITION:** Mr. Nutting requested Resolution 12-71 be added to the evening's Agenda. **MOTION** by Councilor Powderly to add Resolution 12-71 to the Agenda **SECONDED** by Councilor Jones. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Recused, Vallee-Yes. VOTE to Approve: Yes-8, No-0, Absent-0, Recused-1**

**CITIZEN COMMENTS:** NONE.

**APPOINTMENTS: *Suzanne Wade – Council on Aging:*** **MOTION** by Councilor Pfeffer to ratify the appointment of Suzanne Wade of 25 Central Park Terrace to the Council on Aging **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained Ms. Wade was unable to attend the Council Meeting as she relies on public transportation and was not able to get a ride to the evening meeting. **VOTE to Approve: Yes-9, No-0, Absent-0.**

**NOTE: *The Subcommittee Report, Legislation for Action, Town Administrator's Report, Old Business and New Business were taken out of order.***

**SUBCOMMITTEE REPORTS:** NONE.

**LEGISLATION FOR ACTION:**

***Resolution 12-70: Insurance Recovery Account 28123490-580000:*** Councilor Pfeffer read the resolution to appropriate \$27,638.00 from Insurance Recovery Account for the purchase of a new police vehicle. **MOTION** by Councilor Pfeffer to approve Resolution 12-70 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained someone crashed into a police cruiser. The driver of the other vehicle was responsible, and the money recovered is needed to replace the damaged police cruiser. **VOTE to Approve: Yes-9, No-0, Absent-0.**

**TOWN ADMINISTRATOR'S REPORT:** ► Mr. Nutting announced notices will soon be mailed to downtown property owners regarding the Waterline and Drainage Replacement Project. Mr. Nutting

indicated the Town will be requesting 40+ Temporary Easements in order to temporarily relocate sidewalks onto private property during the construction phase. Affected private property will be returned to its original condition upon completion of the project.

**OLD BUSINESS:** Councilor Pfeffer asked about additional proclamations. Mr. Nutting said two proclamations are “in the works”.

**NEW BUSINESS:** NONE.

**RECESS:** *Chairman Vallee called a 2-Minute Recess at 7:08PM.*

**HEARINGS: Alcoholic Beverage License – Failure to Pass Compliance Check: Franklin Wine and Spirits, 470 King Street:** Councilor Pfeffer read a letter dated October 1, 2012 from the Assistant to the Town Administrator Maxine Kinhart to Franklin Wine and Spirits’ owner Judith Crisileo. Chief of Police Stephan Semerjian reviewed the Compliance Check Operation on Saturday September 22, 2012 when a minor was allowed to purchase alcohol from Franklin Wine and Spirits. Chief Sumerian’s recommendation was a 3-Day Alcoholic Beverage License Suspension; 1 day to “serve” and 2 days held in abeyance for 2 years. Judith Crisileo addressed the Council and apologized to the Council, the Police Department and the community and agreed to the suspension. Ms. Crisileo reviewed the training, as well as visual aids utilized by herself and those employed at the store. **MOTION** by Councilor Jones to approve the penalty **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

**LICENSE TRANSACTIONS:** NONE.

**PRESENTATIONS/DISCUSSIONS:** NONE.

**COUNCILOR COMMENTS:** ► Councilor Pfeffer wished Bob Dean continued recovery. ► Councilor Powderly announced the Council on Aging is offering a workshop on available Tax Relief Programs on October 23, 2012 at 10:00AM at the Senior Center. ► Councilor Kelly commented on the recent well-attended Ground Breaking Ceremony for the High School Project and thanked Councilor Mercer for a fantastic job. ► Councilor Mercer thanked everyone involved with the Ground Breaking Ceremony. Special thanks went out to: Pandora Carlucci, Darleen Grove, Denise Miller, Leslie Betts, Richard Gaskin, Carlos Rebelo, Mike Peacock, Nancy Schoen and the school administration. Councilor Mercer announced the Building Committee will hold a public meeting on November 14, 2012 at 7:00PM in Council Chambers. Topics such as traffic patterns and project phases will be covered.

**EXECUTIVE SESSION:** Chairman Vallee said the Town Council would go into Executive Session to discuss real property and declared that an open meeting may have a detrimental effect on the position of the body. Open Session did reconvene at the conclusion of the Executive Session. **MOTION** by Councilor Pfeffer to go into Executive Session to discuss real property and to resume Open Session **SECONDED** by Councilor Powderly. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Recused, Vallee-Yes. VOTE to Approve: Yes-8, No-0, Absent-0, Recused-1**

**Adjourn to Executive Session at 7:21 PM**

**MOTION to ADJOURN EXECUTIVE SESSION AND RECONVENE OPEN SESSION** by Councilor Jones. **SECOND** by Kelly. **ROLL CALL:** Bissanti-yes, Dellorco-yes, Jones-yes, Kelly-yes, Pfeffer-yes, Powderly-absent, Vallee-yes **VOTE to Approve: Yes-8, No-0, Absent-0, Recuse-1**  
Meeting Adjourned to Open Session 7:44 PM.

**LEGISLATION FOR ACTION:**

***Resolution 12-71: Order of Taking (Temporary Access Easement) Land of Duffy at 166 Oak Street:***  
**MOTION** by Councilor Pfeffer to table Resolution 12-71 **SECONDED** by Councilor Powderly.  
**VOTE to Approve: Yes-8, No-0, Absent-0, Recuse-1.**

**ADJOURN: MOTION** by Councilor Mercer to adjourn **SECONDED** by Councilor Kelly. **VOTE to Approve: Unanimous.** Meeting adjourned at 7:47PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary



## APPOINTMENTS

### Library Board of Directors:

Sandra Brandfonbrener  
8 Beech Street

The Board of Directors has requested the appointment of this individual.

**MOTION** to ratify the appointment by the Town Administrator of Sandra Brandfonbrener to serve as a Member of the Library Board of Directors.

**DATED:** \_\_\_\_\_, 2013

**VOTED:**

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

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

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

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

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**Judith Pond Pfeffer, Clerk**  
**Franklin Town Council**

# Request For Committee Appointment

## Citizens Activity Record

If you are interested in serving the Town in any capacity, please fill out this form and submit to the Town Clerk's Office, 355 East Central Street, Franklin, MA 02038.

Information received will be available to all Town boards and officials, although the filling out of this form in no way assures appointment.

Name: Sandra Brandfonbrener

Address: 8 Beech St; Franklin, ma.

Evening Telephone: 508-520-1681

Day Telephone: 508-520-1681

Amount of Time Available: Interested In Following Town Committees:

Library Board of Directors

Present Business Affiliation and Work:

Retired - take care of grandchildren 3 days a week.

Government Experience:

none

Education or Special Training:

see attached resume

Positions Previously Held In Town Government (Committee Name and Dates):

I was on the Library board several years ago when Mary Chute was

Remarks: the director.



## LICENSE TRANSACTION –

### Change of Manager

T.D. Beverage, Inc.  
d/b/a/ Tedeschi Food Shop  
400 King Street

T.D. Beverage, Inc. is seeking approval of a Change of Manager for their Wine and Malt Alcoholic Beverages License. The new manager is to be Christina Dagliere.

All Departments have signed off on this request.

**MOTION** to approve the request by T.D. Beverage, Inc. d/b/a Tedeschi Food Shop for a Change of Manager to Christina Dagliere.

**DATED:** \_\_\_\_\_, 2013

**VOTED:**

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

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

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

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

**A True Record Attest:**

**Deborah L. Pellegri**  
Town Clerk

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**Judith Pond Pfeffer, Clerk**  
**Franklin Town Council**



The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

☐ For Reconsideration

**FORM 43**  
**MUST BE SIGNED BY LOCAL LICENSING AUTHORITY**

043000036

ABCC License Number

Franklin

City/Town

January 9, 2013

Local Approval Date

**TRANSACTION TYPE (Please check all relevant transactions):**

- |   |  |   |   |
|---|--|---|---|
| <input type="checkbox"/> New License                  | <input type="checkbox"/> New Officer/Director            | <input type="checkbox"/> Pledge of License          | <input type="checkbox"/> Change Corporate Name      |
| <input type="checkbox"/> Transfer of License          | <input type="checkbox"/> Change of Location              | <input type="checkbox"/> Pledge of Stock            | <input type="checkbox"/> Seasonal to Annual         |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock          | <input type="checkbox"/> Change of License Type     |
| <input type="checkbox"/> Cordials/Liqueurs Permit     | <input type="checkbox"/> Issuance of Stock               | <input type="checkbox"/> New Stockholder            | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License       | <input type="checkbox"/> Management/Operating Agreement  | <input type="checkbox"/> Wine & Malt to All Alcohol |   |

Name of Licensee T.D. Beverage, Inc.

EIN of Licensee 04-2264009

D/B/A Tedeschi Food Shop

Manager Christina M. Dagliere

ADDRESS: 400 King Street

CITY/TOWN: Franklin

STATE MA

ZIP CODE 02038

Annual

Annual or Seasonal

Wine & Malt

Category: (All Alcohol- Wine & Malt Wine,  
Malt & Cordials)

Package

Type: (Restaurant, Club, Package  
Store, General On Premises, Etc.)

**Complete Description of Licensed Premises:**

One story convenience store, 664 Union Street One front and rear exit.

Application Filed: December 2013

Date & Time

Advertised: N/A

Date & Attach Publication

Abutters Notified: Yes ☐ No ☒

Contact Person for Transaction Ann W. Wakely

Phone: 781-610-2423

ADDRESS: 14 Howard Street

CITY/TOWN: Rockland

STATE MA

ZIP CODE 02370

Remarks:

The Local Licensing Authorities  
By:

Judith Pond Pfeffer  
Clerk, Franklin Town

Alcoholic Beverages Control Commission  
Ralph Sacramone  
Executive Director

ABCC Remarks:





*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**PETITION FOR CHANGE OF LICENSE**

043000036

ABCC License Number

FRANKLIN

City/Town

The licensee **T.D. BEVERAGE, INC.** respectfully petitions the Licensing Authorities to approve the following transactions:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Change of Manager                                    | <input type="checkbox"/> Alteration of Premises |
| <input type="checkbox"/> Pledge of License/Stock   | <input type="checkbox"/> Cordial & Liqueurs     |
| <input type="checkbox"/> Change of Corporate Name/DBA                                    | <input type="checkbox"/> Change of Location     |
| <input type="checkbox"/> Change of License Type (\$12 ONLY, e.g. "club" to "restaurant") |   |

☒ Change of Manager

Last-Approved Manager: **CHRISTOPHER T. GELINEAU**

Requested New Manager: **CHRISTINA M. DAGLIERE**

☐ Pledge of License /Stock

Loan Principal Amount: \$  Interest Rate:

Payment Term:  Lender:

☐ Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA:

Requested New Corporate Name/DBA:

☐ Change of License Type

Last-Approved License Type:

Requested New License Type:

☐ Alteration of Premises: (must fill out attached financial information form)

Description of Alteration:

☐ Change of Location: (must fill out attached financial information form)

Last-Approved Location:

Requested New Location:

Signature of Licensee

*Joseph Ferreira*

(If a Corporation/LLC, by its authorized representative)

Date Signed

December 14, 2012

T.D. BEVERAGE, INC.

CERTIFICATE OF VOTE

December 3, 2012

I, Joseph Ferreira, the sole director of T.D. Beverage, Inc., hereby certify that by Consent Vote dated December 3, 2012, the Board of Directors adopted the following vote and that said vote is still in full force and effect without any change or alteration:

VOTED: That subject to the approval of the Town of Franklin and the Massachusetts Alcoholic Beverages Control Commission, Christina M. Dagliere of 263 Oakdale Avenue, Pawtucket, Rhode Island 02860, is hereby appointed Manager of the Wine and Malt Beverages License operated by the corporation under the name of T.D. Beverage, Inc., located at 664 Union Street, Franklin, Massachusetts, to serve until her successor shall be duly appointed and approved. Christina M. Dagliere is hereby authorized and directed to execute all documents and do all acts which shall be necessary to obtain the aforesaid approvals.

A true copy.

ATTEST:

  
\_\_\_\_\_  
Joseph Ferreira



*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**PERSONAL INFORMATION FORM**

Each individual listed in Section 10 of this application must complete this form.

**1. LICENSEE INFORMATION:**

A. Legal Name of Licensee	T.D. BEVERAGE, INC.	B. Business Name (dba)	TEDESCHI FOOD SHOPS, INC.	
C. Address	100 King Street		D. ABCC License Number (If existing licensee)	043000036
E. City/Town	Franklin	State	MA	Zip Code 02038
F. Phone Number of Premise	508-528-1521	G. EIN of License	04-2264009	

**2. PERSONAL INFORMATION:**

A. Individual Name	CHRISTINA M. DAGLIERE	B. Home Phone Number	[REDACTED]
C. Address	263 OAKDALE AVENUE		
D. City/Town	PAWTUCKET	State	RI Zip Code 02860
E. Social Security Number	[REDACTED]	F. Date of Birth	[REDACTED] 1977
G. Place of Employment	TEDESCHI FOOD SHOPS, INC.		

**3. BACKGROUND INFORMATION:**

Have you ever been convicted of a state, federal or military crime?

Yes ☐ No ☒

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

**4. FINANCIAL INTEREST:**

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

NONE

**IMPORTANT ATTACHMENTS (8):** For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

**\*If additional space is needed, please use the last page**

*I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:*

Signature  Date 12/01/12

Title Manager (If Corporation/LLC Representative)





*The Commonwealth of Massachusetts*  
**Alcoholic Beverages Control Commission**  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**MANAGER APPLICATION**

All proposed managers are required to complete a Personal Information Form,  
and attach a copy of the corporate vote authorizing this action and appointing a manager.

**1. LICENSEE INFORMATION:**

Legal Name of Licensee:	<input type="text" value="T.D. BEVERAGE, INC."/>	Business Name (dba):	<input type="text" value="TEDESCHI FOOD SHOPS, INC."/>
Address:	<input type="text" value="400 King Street"/>		
City/Town:	<input type="text" value="Franklin"/>	State:	<input type="text" value="MA"/>
		Zip Code:	<input type="text" value="02038"/>
ABCC License Number: (If existing licensee)	<input type="text" value="043000036"/>	Phone Number of Premise:	<input type="text" value="508-528-1521"/>

**2. MANAGER INFORMATION:**

A. Name:	<input type="text" value="CHRISTINA M. DAGLIERE"/>	B. Cell Phone Number:	<input type="text" value="401-556-3792"/>
C. List the number of hours per week you will spend on the licensed premises:	<input type="text" value="50"/>		

**3. CITIZENSHIP INFORMATION:**

A. Are you a U.S. Citizen:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	B. Date of Naturalization:	<input type="text"/>	C. Court of Naturalization:	<input type="text"/>
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(Submit proof of citizenship and/or naturalization such as Voter's Certificate, Birth Certificate or Naturalization Papers)

**4. BACKGROUND INFORMATION:**

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, please describe: <input type="text"/>	
B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, please describe: <input type="text"/>	
C. Have you ever been the Manager of Record of a license that was issued by this Commission?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, please describe: <input type="text"/>	
D. Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):	
<input type="text" value="TEDESCHI FOOD SHOPS, INC."/>	

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

Date

PRESENTATIONS

AND

DISCUSSIONS

1. MEDICAL MARIJUANA  
ZONING

# OFFICE OF THE TOWN ADMINISTRATOR

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## MEMORANDUM

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**DATE:** January 4, 2013  
**TO:** Town Council  
**FROM:** Jeffrey D. Nutting, Town Administrator  
**RE:** Discussion on Medical Marijuana Zoning

As you are aware, the new Medical Marijuana law took effect on January 1, 2013. Communities across the Commonwealth are reviewing their options on how to approach the matter. Some communities have decided to ban medical marijuana dispensaries, while others are exploring their options to implement the will of the voters.

I would like to suggest the Town Council take a cautious approach to the matter that would allow for the dispensaries in the industrial areas west of Route 495. This would respect the wishes of Franklin voters and give the Council time to see how the rest of the communities in the Commonwealth handle the issue. After a few years, if other locations are more appropriate, the Town Council can address the matter at that time. The Police Chief supports the proposed location versus elsewhere in the community.

The new law initially allows for five dispensaries per County. It is unclear where they will be located, but I have to think communities with greater populations would be the first choice of the new venture.

Please feel free to call with questions.

cc: Town Attorney Mark Cerel  
Police Chief Steve Semerjian  
Director of Community Planning and Development Bryan Taberner  
Town Planner Beth Dahlstrom



000000FRANKLIN  
NOVEMBER 6, 2012

000000MASSACHUSETTS  
STATE ELECTION

QUESTION 1									
	Pct.1	Pct.2	Pct.3	Pct.4	Pct.5	Pct.6	Pct.7	Pct.8	Total
BLANKS	249	240	299	244	259	236	273	232	2032
YES	1631	1485	1609	1806	1798	1558	1890	1790	13567
NO	218	228	242	280	245	209	263	216	1901
Total	2098	1953	2150	2330	2302	2003	2426	2238	17500
QUESTION 2									
	Pct.1	Pct.2	Pct.3	Pct.4	Pct.5	Pct.6	Pct.7	Pct.8	Total
BLANKS	84	66	83	80	89	73	70	85	630
YES	920	884	954	1073	1061	933	1120	1013	7958
NO	1094	1003	1113	1177	1152	997	1236	1140	8912
Total	2098	1953	2150	2330	2302	2003	2426	2238	17500
QUESTION 3									
	Pct.1	Pct.2	Pct.3	Pct.4	Pct.5	Pct.6	Pct.7	Pct.8	Total
BLANKS	103	92	104	86	107	98	67	106	763
YES	1262	1155	1275	1368	1405	1225	1414	1314	10418
NO	733	706	771	876	790	680	945	818	6319
Total	2098	1953	2150	2330	2302	2003	2426	2238	17500
QUESTION 4									
2ND MIDDLESEX & NORFOLK									
	Pct.1	Pct.2	Pct.3	Pct.4	Pct.5	Pct.6	Pct.7	Pct.8	Total
BLANKS					489	413		469	1371
YES					1327	1134		1268	3729
NO					486	456		501	1443
Total					2302	2003		2238	6543
QUESTION 4									
NORFOLK, BRISTOL & MIDDLESEX									
	Pct.1	Pct.2	Pct.3	Pct.4	Pct.5	Pct.6	Pct.7	Pct.8	Total
BLANKS	455	436	444	489			530		2354
YES	1282	1182	1269	1383			1408		6524
NO	361	335	437	458			488		2079
Total	2098	1953	2150	2330			2426		10957
QUESTION 5									
NORFOLK, BRISTOL & MIDDLESEX									
	Pct.1	Pct.2	Pct.3	Pct.4	Pct.5	Pct.6	Pct.7	Pct.8	Total
BLANKS	467	430	440	497			526		2360
YES	1134	1087	1206	1277			1349		6053
NO	497	436	504	556			551		2544
Total	2098	1953	2150	2330			2426		10957



LEGISLATION

FOR

ACTION



**SPONSOR:**

*Department of Planning and  
Community Development*

**TOWN OF FRANKLIN**

**ZONING BY-LAW AMENDMENT 12-695**

**SITE PLAN AND DESIGN REVIEW**

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT  
CHAPTER 185, SECTION 31.**

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:**

Chapter 185 of the Code of the Town of Franklin is hereby amended by deleting the entire section of §185-31. Site Plan and Design Review, and adding the following text:

**§185-31 Site Plan and Design Review.**

**1. Site Plan Review**

**A. Purpose and Intent.**

The purpose of this section is to protect the health, safety and welfare of the inhabitants of the Town of Franklin by providing for a review of plans for uses and structures which may have impacts on traffic, environmental quality, community character and parking. It is also the intent of this Bylaw that the site plan review and design review process will ensure compliance with Chapter 185 of the Code of the Town of Franklin and good zoning practices.

**B. Authority**

**(1) General Requirements.**

- (a) No Building Permit shall be issued for, and no person shall undertake, any construction, alteration, or other improvements unless they have first obtained site plan review approval from the Planning Board.**

**(2) Exemptions.**

- (a) The Town of Franklin or any of its Departments.**
- (b) Single-family and two-family dwellings.**
- (c) Religious and Educational uses as defined in Massachusetts General Law Chapter 40A, Section 3 as to aesthetic considerations only.**
- (d) Any exterior addition, alteration or improvement to structures and/or land not greater than 500 s.f. and not involving any substantial change in use as determined by the Zoning Enforcement Agent's interpretation of the Zoning Code Use Regulations Schedule.**

(3) Reviewing Board.

- (a) The Planning Board shall conduct Site Plan review and Limited Site Plan review, for all actions that are subject to the provisions of this section and shall issue decisions.

**C. Site Plan Approval.**

- (1) Filing criteria. Any exterior addition, alteration or improvement to structures and/or land that does not qualify as a Limited Site Plan Modification (see §185-31.D Limited Site Plan Approval) or is not exempt under §185-31.1.B.(2) Exemptions shall require Site Plan approval.
- (2) Application Submittal Requirements. Applicants must submit the following information concurrently, to be considered a complete application for site plan review; incomplete applications may result in refusal of application.
- (a) Eleven (11), 24 x 36 inch, folded copies of the Site Plan along with six (6), 11 x 17 reduced size copies of the site plan.
- (b) One (1) original, Form P site plan application and one (1) copy.
- (c) One (1) original, notarized, certificate of ownership and one (1) copy.
- (d) Certified list of abutters from Assessors Office.
- [1] Projects under this section require a public hearing per §185-45.M Notice of public hearings.
- (e) Filing fee. Fee submitted as calculated in Chapter 82, Appendix A of the Franklin Town Code, List of Service Fee Rates Section I, Planning.
- (f) If required, the applicant must submit an application for Design Review Commission per §185-31.(2) Design Review Commission, Site Plans, facades, landscape and lighting, §185-45.N. Administration and enforcement. Design Review Commission, and §185-20.H. Signs. Sign Approvals.
- (g) The Planning Board may determine that a proposed project warrants the use of an outside consultant (e.g., Civil Engineer) per §185-45.L.(1) Consultant Review Fees.
- [1] If required, the applicant must send one copy of all submittal requirements to the requested outside consultant (e.g., Civil Engineer). Please contact the Department of Planning and Community Development for consultant contact information.
- (h) Other. Additional materials as requested by Town staff and/or the Planning Board.
- (3) Drawing Requirements. Plans subject to site plan review, shall be prepared by a professional land surveyor and/or professional engineer as required; drawings must contain the appropriate professional stamp prior to submittal. Supplemental plans may be prepared by a professional architect or landscape

architect. A site plan shall be prepared in compliance with the various requirements of *Chapter 185 (Zoning)* showing:

- (a) Plans prepared at a scale between 1" = 20' and 1" = 50'.
- (b) The plan name (if applicable), date of plan preparation, all revisions to plan and the nature of the revisions, North point, scale, legend, Assessor's map and parcel identification numbers and appropriate title information.
- (c) The name and address of the following: the record owner, the applicant, professional land surveyor and/or professional engineer.
- (d) A vicinity/locus map including the location and boundaries of the site, abutting land uses and zoning information (descriptive and technical data).
- (e) Existing and proposed land and building uses.
- (f) Existing topography and proposed grading for the entire site. This should include earth removal as defined in §185-3. *Definitions*.
- (g) An indication of wetlands or other areas potentially subject to the Wetlands and Rivers Protection Act.
- (h) Areas included in any floodplain district and areas included in the Water Resource District.
- (i) The location of any proposed structures, streets, ways, walls, hydrants, principal drives, fences, outdoor lighting, open space areas, recreation areas, egresses, service entries, loading facilities, facilities for waste disposal or storage, snow storage areas and parking with individual spaces identified.
- (j) The location, size and sketch of all proposed signs.
- (k) A Landscaping Plan showing existing vegetation, proposed vegetation and the distinction between proposed and retained vegetation. A note shall be placed on the plan that all Plantings shall come from the Best Development Practices Guidebook.
- (l) A Photometric Plan with sufficient illuminance values, to determine compliance with §185-31.1.C.(4).(e). *Site Plan. Review Criteria*.
- (m) Location and relevant details of proposed and existing water, drainage and sewerage systems in enough detail to determine if the applicant may be upon request of the Planning Board, required to provide a Stormwater Report to ensure compliance with Stormwater Management Standards, Low Impact Development Practices and use of the Town of Franklin Best Development Practices Manual.
- (n) Sufficient data to determine compliance with the rules and regulations of the Architectural Barriers Board for handicapped parking, if applicable.
- (o) A parking schedule showing the number of parking spaces required for the proposed use(s) as required by §185-21. *Parking, loading and driveway*

requirements versus the number of parking spaces actually being provided, if applicable.

- (p) A table showing the requirements of §185 Attachment 9: Schedule of Lot, Area, Frontage, Yard and Height Requirements for the Zoning District in which the property is located and how the proposed structure and/or uses will comply with the requirements.
  - (q) Materials required for design review as provided for in §185-31.(2) Design Review Commission, if applicable.
  - (r) Data quantifying on-site generation of noise and odors, if applicable.
  - (s) Description of traffic circulation, safety and capacity in sufficient enough detail for the Board to make a determination of whether a traffic impact analysis is necessary. If information is not sufficient, upon the request of the Planning Board, an applicant may be required to provide a comprehensive traffic study detailing the effects of the proposed development.
  - (t) Sight line information at proposed entrance/exit ways.
  - (u) Limit of work area, including proposed tree line.
  - (v) Plans should be prepared in consideration with policies set forth in the Best Development Practices Guidebook and The Design Review Commission Guidelines.
- (4) Review Criteria: The Planning Board shall approve a Site Plan *only* upon its determination of the following:
- (a) Internal circulation, queuing, entrance and egress are such that traffic safety is protected and access via secondary streets servicing residential neighborhoods is minimized.
  - (b) Reasonable use is made of building location, grading and vegetation to reduce visibility of structures, parking area, outside storage or other outdoor service areas (e.g., waste removal) from public views.
  - (c) Adequate access to each structure for fire and service equipment is provided.
  - (d) Utilities, drainage and fire-protection provisions serving the site provide functional service to each structure and paved area in the same manner as required for lots within a subdivision.
  - (e) No site feature or activity shall create glare or illumination which extends beyond a site's property lines and creates a hazard or nuisance to neighboring property owners or on adjacent roadways. Lighting shall be designed to provide the minimum illumination necessary for the safety and security of the proposed activity. Lighting shall be designed such that the light source is shielded and the light is directed downward.

- (f) Proposed limit of work is reasonable and protects sensitive environmental and/or cultural resources. The site plan as designed will not cause substantial or irrevocable damage to the environment, which damage could be avoided or mitigated through an alternative development plan.
- (g) All other requirements of the Zoning Bylaw are satisfied.

**D. Limited Site Plan Approval.**

- (1) Filing Criteria. Any exterior addition, alteration or improvement to structures and/or land that meets all of the following criteria:
  - (a) Has previous site plan approval from the Planning Board, or was constructed prior to 1930, date of original Zoning Bylaw approval;
  - (b) results in the creation of no more than 15 additional parking spaces;
  - (c) results in the exterior addition, alteration or improvement to structures and/or land of no more than 5,000 square feet;
  - (d) results in an increase in impervious surface of no more than ten (10) percent of existing impervious coverage;
  - (e) does not alter the access to a public way;
  - (f) does not result in substantial change in use as determined by the Zoning Enforcement Agent; and
  - (g) Does not require any additional relief from the Zoning Board of Appeals.
- (2) Application Submittal Requirements. Applicants must submit the following information concurrently, to be considered a complete application for limited site plan review; incomplete applications may result in refusal of application.
  - (a) Eleven (11), 24 x 36 inch, *folded* copies of the Site Plan along with six (6), 11 x 17 reduced size copies of the site plan.
  - (b) One (1) original, limited site plan application and one (1) copy.
  - (c) One (1) original, notarized, certificate of Ownership and one (1) copy.
  - (d) Filing fee. Fee submitted as calculated in Chapter 82, Appendix A of the Franklin Town Code, List of Service Fee Rates Section I, Planning.
  - (e) If required, the applicant must submit an application for Design Review Commission per §185-31.(2) *Design Review Commission, Site Plans, facades, landscape and lighting*, §185-45.N. *Administration and enforcement. Design Review Commission*., and §185-20. *H. Signs. Sign Approvals*.
  - (f) Other. Additional materials as requested by Town staff and/or the Planning Board.
- (3) Drawing Requirements. Plans subject to limited site plan review, shall be prepared by a professional land surveyor and/or professional engineer as required; drawings must contain the appropriate professional stamp prior to submittal. Supplemental plans may be prepared by a professional architect or

landscape architect. A limited site plan shall be prepared in compliance with the various requirements of Chapter 185 (Zoning) and at a minimum show the following:

- (a) Plans prepared at a scale between 1" = 20' and 1" = 50'.
- (b) The plan name (if applicable), date of plan preparation, all revisions to plan and the nature of the revisions, North point, scale, legend, Assessor's map and parcel identification numbers and appropriate title information.
- (c) The name and address of the following: the record owner, the applicant, professional land surveyor and/or professional engineer.
- (d) The location and boundaries of the site; vicinity map.
- (e) Plan sets shall include previously approved site plan sheets necessary to show where changes will occur.
- (f) Existing and proposed land and building uses including, location of any proposed structures, streets, ways, walls, hydrants, principal drives, fences, outdoor lighting, open space areas, recreation areas, egresses, service entries, loading facilities, facilities for waste disposal or storage, snow storage areas and parking with individual spaces identified.
- (g) The Planning Board may ask for plans to include drawing requirements as defined under §185-31.1.C.(3). *Site Plan Approval. Drawing Requirements*, upon the representation from technical staff or consultants that additional plans are needed in order to sufficiently review the limited site plan.
  - [1] Applicants are advised to ask technical staff for guidance on drawing requirements prior to plan submittals.
  - [2] Technical staff and/or consultants shall advise the Planning Board within a reasonable amount of time that additional plans are needed from an applicant for sufficient plan review.

(4) Review Criteria. The Planning Board shall approve Limited Site Plans only upon determination of the following:

- (a) Site plan is consistent with §185-31.1.C.(4) *Site Plan Approval. Review Criteria*.

## **E. Special Permits**

- (1) Where special permit(s) are required, a site plan or limited site plan must be submitted under one application for approval, with the special permit application.
  - (a) No separate site plan approval shall be issued for a special permit application(s), but rather a site plan shall be approved as part of a special permit approval.

- (b) Accompanying Site Plans shall be submitted according to §185-31.1.C.(3). Drawing requirements, while accompanying limited site plans shall be filed according to §185-31.1.D.(3). Drawing requirements.
- (2) Special Permits shall be granted by the Planning Board as defined under §185-45 E. and F. Administration and Enforcement.

**F. Notice to Town Boards and other Town Officials**

- (1) The Planning Board shall notify the Design Review Commission, Fire Chief, Police Chief, Department of Public Works, Department of Planning & Community Development, Building Commissioner, Conservation Commission, and Board of Health of its public hearing schedule and in addition, may, in making its determination request information or analysis from any of the Departments, Boards or Commissions listed above.

**G. Public Hearings**

- (1) Public Hearings shall be advertised and noticed given pursuant to the requirements of §185-45.M Administration and enforcement, Notice of public hearings.
  - (a) Projects reviewed under §185-31.1.C Site Plan approvals and §185-31.1.E Special Permits require a Public Hearing per §185-45.M Administration and enforcement, Notice of public hearings.

**H. Decisions**

- (1) No decision shall be issued by the Planning Board until all other Boards or Commissions having jurisdiction over a proposed development have issued decisions if a Board's or Commission's decision is likely to impact the Site Plan/Limited Site Plan being reviewed by the Planning Board. A Board or Commission may issue a letter to the Planning Board indicating no adverse impact will occur if the Planning Board issues a decision prior to the other Boards or Commissions.
- (2) No building permit shall be issued until the final site plan has been endorsed by the Planning Board.
- (3) All required improvements specified in the Planning Board's final decision must commence within a one-year period and once commenced shall proceed continuously until completion as determined by the Planning Board, unless an extension is granted by the Board.

**I. Penalties**

- (1) Any person who fails without good cause to complete the required improvements within the period of time specified by the Planning Board shall be considered in violation of this chapter and §185-45 of the Town of Franklin Zoning Code. Any violation of this section shall result in a fine of \$300 for each offense; each day that such violation continues shall constitute a separate offense. Enforcement shall be by the Building Commissioner or his designee.

## **J. Certificate of Completion.**

- (1) A Certificate of Completion or a Certificate of Partial Completion shall be submitted by the applicant's engineer or surveyor upon completion of all required improvements. A Temporary Certificate of Occupancy of 30 days maximum may be issued upon consideration of the Building Commissioner provided requirements of all other Town Departments have been satisfied. No final Certificate of Occupancy shall be issued by the Building Commissioner until a Certificate of Completion has been reviewed and approved by the Planning Board.
- (2) The Planning Board will use outside consultant services, to complete construction inspections which shall be paid by the applicant as defined in §185-45.L Consultant Review Fees.
- (3) The Board will act on certificate of completion requests within 30 days and will notify the Building Commissioner of approved certificates of completion within five business days of its action.

## **2. Design Review Commission, site plans, facades, landscape and lighting**

### **A. Purpose and Intent.**

The purpose of design review is to promote safe, functional and attractive development of business and commercial areas; to preserve and enhance the New England character of the Town's commercial centers and thoroughfares as a valid general welfare concern; to unify commercial properties, both visually and physically, with surrounding land uses; to facilitate a more healthful urban atmosphere; to protect and preserve the unique and cultural features within the Town; and to protect commercial property values by enhancing the Town's appearance.

- Every reasonable effort shall be made to preserve the distinguishing original qualities of a building, structure or site and its environment.
- The removal or alteration of any historic material, architectural features or trees shall be avoided when possible.
- Distinctive stylistic features and/or examples of skilled or period craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and when such design is compatible with the surrounding environment.

### **B. Design Review Commission Review Requirements.**

- (1) Applicants must file with Design Review Commission for any external use of land, building, structure or project that requires site plan review or limited site plan review and/or a building permit and is at least one of the following, except for single and two-family dwellings:
  - Within Commercial I, Commercial II, Business Zoning Districts, Downtown Commercial or Office.



- Listed as a principal use in the Use Regulation Schedule Part II, 2. Commercial, regardless of the underlying zoning district.
- Listed as a principal use in the Use Regulation Schedule Part V, 5. Recreational, regardless of the underlying zoning district.
- Considered one of the following additional principal uses as listed in the Use Regulation Schedule:
  - Part III, 3. Industrial, utility, 3.1: Bus, railroad station.
  - Part III, 3. Industrial, utility, 3.10: Conference and training center.
  - Part IV, 4. Institutional, 4.2: Hospital, charitable institution, similar noncorrectional use.
  - Part IV, 4. Institutional, 4.3: Library, museum, art gallery, civic center.
  - Part IV, 4. Institutional, 4.4: Lodge, other nonprofit social or civic use.
  - Part IV, 4. Institutional, 4.5: Public Use and 4.5.a: Municipal public safety.
  - Part VI, 6. Residential, 6.1: Multifamily or apartment.
  - Signs

### **C. Application Submittal Requirements.**

- (1) Applicants must submit the following information concurrently, to be considered a complete application for review before the Design Review Commission; incomplete applications may result in refusal of application.
  - (a) One (1), original, Form Q, Design Review Application.
  - (b) When applicable, a materials sample board should be brought to the Design Review Commission Meeting for review; color palette numbers and product numbers are required for the record.
  - (c) Nine (9), color (as applicable) copies of the site plan including the following detailed information as applicable:
    - [1] Landscape plan showing plantings; plantings must be from Best Development Practices Guidebook.
    - [2] Photometric Plan indicating lighting levels and specifications of lighting proposed.
    - [3] Building elevations showing size and height of building(s); front, rear and side elevations, including color and type of surface materials.
    - [4] Renderings or photographs showing the proposed building site and surrounding properties. Applications for alterations and/or additions shall depict existing structures to be altered and their relationship to adjacent properties.
    - [5] If there is currently signage on an existing building or at a site please provide detailed photos of the sign(s) and its location on the building(s) or location(s) at the site or provide the required application for sign review for new signage under §185-20.H.2. Application Submittal Requirements.

(2) Review Criteria. The Design Review Commission shall consider, at a minimum, the following standards in the course of the design review of a proposed action:

- (a) Height. The height of any proposed alteration should be compatible with the style and character of the surrounding buildings, within zoning requirements.
- (b) Proportions of windows and doors. The proportions and relationships between doors and windows should be compatible with the architectural style and character of the surrounding area.
- (c) Relations of building masses and spaces. The relationship of a structure to the open space between it and adjoining structures should be compatible.
- (d) Roof shape. The design and pitch of the roof should be compatible with that characteristic of New England architectural styles.
- (e) Scale. The scale of the structure should be compatible with its architectural style and the character of the surrounding New England-style buildings.
- (f) Facade line, shape and profile. Facades shall blend with other structures in the surrounding area with regard to the dominant vertical or horizontal context.
- (g) Architectural details. Architectural details, including signs, materials, colors and textures, shall be treated so as to be compatible with New England architectural styles and to preserve and enhance the character of the surrounding area.
- (h) Advertising features. The size, location, design color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of the proposed buildings and structures and the surrounding properties.
- (i) Heritage. Removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practicable.
- (j) Energy efficiency. To the maximum extent reasonably practicable, proposals shall utilize energy-efficient technology and renewable energy resources and shall adhere to the principles of energy-conscious design with regard to orientation, building materials, shading, landscaping and other elements.
- (k) Landscape. The landscape should improve the character and appearance of the surrounding area, and parking areas should be located to the side or rear of buildings when reasonably possible.
- (l) Design Review Commission shall also utilize the standards as set forth in the *Design Review Commission Design Guidelines*. (Attachment 11, Zoning Bylaw).

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:** \_\_\_\_\_, 2012

**VOTED:**

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

**A True Record Attest:**

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

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

**Deborah L. Pellegri**  
**Town Clerk**

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

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**Judith Pond Pfeffer, Clerk**

Principal Uses		RR1*,	RR1I,												Zoning Table - All Zones	
		RVI	SFR3II	SFR4V	GRV	NC	CI*	CII	DC	B	I	LI	O			
1. Agriculture, horticulture and floriculture															*Current Zoning	
1.1	Nursery, greenhouse	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y		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.	
1.2	Produce stand <sup>1</sup>	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			
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		NOTES: 1. For sale of produce raised or grown on the premises by the owner or lessee thereof. 2. Provided that any building or structure is at least 100 feet from the nearest street or property line.	
	b. With other livestock or poultry	Y <sup>2</sup>	Y <sup>2</sup>	N	N	N	N	N	N	N	N	N	N			
	c. With no livestock	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y			
1.5	Garden Center, Retail or Wholesale	PB	PB	PB	PB	PB	PB	Y	N	Y	PB	PB	PB			
2. Commercial <sup>1</sup>																
2.1	Adult entertainment establishment	N	N	N	N	N	N	N	N	N	N <sup>2</sup>	N	N		NOTES: 1. If any part of a principal use is considered a VSE (see § 185-3, Definitions), the requirements for VSE must be met. 2. Except as permitted by a special permit within the Adult Use Overlay District as described in § 185-47. 3. Except BA if involving live or mechanical entertainment. 4. Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule, Part VII, Accessory Uses. 5. Establishments are limited to a maximum gross building footprint of 2,800 square feet.	
2.2	Animal kennel, hospital	BA	BA	BA	BA	BA	BA	N	BA	BA	BA	BA	BA			
2.21	Animal Daycare, Training,	BA	BA	BA	BA	BA	BA	N	BA	BA	BA	BA	BA			
2.22	Animal Grooming	BA	BA	BA	BA	BA	Y	BA	Y	BA	BA	BA	BA			
2.3	Office, excluding office parks:															
	a. Bank or credit union	N	N	PB	PB	PB	Y	Y	Y	Y	Y	Y	Y			
	b. Medical or dental	PB	PB	PB	PB	PB	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP			
	c. Professional	PB	PB	PB	PB	PB	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP			
	d. Clerical, or administrative	N	N	N	PB	PB	Y	Y	Y	Y	Y	Y	Y			
2.4	Funeral home, undertaking	N	N	N	N	P/SP	P/SP	P/SP	P/SP	P/SP	N	N	N			
2.5	Hotel, motel	N	N	N	N	N	PB	PB	Y	PB	PB	PB	PB			
2.6	Motor vehicle, boat, farm implement sales, rentals and leasing:															
	a. With repair service	N	N	N	N	N	N	PB	N	N	N	N	N			
	b. Without repair service	N	N	N	N	N	N	PB	N	PB	N	N	N			
	c. Other	N	N	N	N	N	N	PB	N	N	N	N	N			
2.7	Motor vehicle service, repair:															
	a. Auto body, painting soldering, welding	N	N	N	N	N	N	PB	N	N	PB	N	N			
	b. Filling or service station	N	N	N	N	N	PB	PB	N	PB	PB	N	N			
	c. Other	N	N	N	N	N	PB	PB	N	PB	PB	N	N			
2.8	Parking facility	PB	PB	PB	PB	PB	BP	PB	PB	PB	PB	PB	PB			
2.9	Restaurant, bar	N	N	N	N	N	P/SP <sup>3</sup>	P/SP	P/SP <sup>3</sup>	P/SP	PB	N <sup>4</sup>	PB			
2.10	Shopping center	N	N	N	N	N	PB	PB	N	PB	N	N	N			
2.11	Storage facility	N	N	N	N	N	N	PB	N	N	N	N	N			
2.12	Tattoo parlor/body-piercing studio	N	N	N	N	N	N	N	N	N	PB	N	N			
2.13	Tourist home	PB	PB	P/SP	P/SP	P/SP	P/SP	P/SP	N	P/SP	N	N	N			
2.14	Office park	N	N	N	N	PB	PB	PB	N	PB	PB	N	Y			
2.15	Other retail sales, services	N	N	N	N				P/SP		P/SP	N <sup>4</sup>	N <sup>4</sup>	N <sup>4</sup>		
	a. General	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	N <sup>4</sup>	N <sup>4</sup>	N <sup>4</sup>			
	b. Personal	N	N	N	N	N	P/SP <sup>2</sup>	P/SP	P/SP	P/SP	P/SP	N <sup>4</sup>	N <sup>4</sup>	N <sup>4</sup>		
	c. Other	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	N <sup>4</sup>	N <sup>4</sup>	N <sup>4</sup>			
2.16	Vehicular service establishment	N	N	N	N	N	PB	PB	PB	PB	N	N	N			
2.17	Trade center	N	N	N	N	N	N	N	N	N	N	P/SP	PB			
2.18	Catering	PB	PB	PB		PB	PB	PB	PB	PB	Y	Y	N			
2.19	Function hall	PB	N	PB	PB	PB	PB	PB	PB	PB	Y	Y	N			
2.20	Psychic Services/Fortune-Telling	N	N	N	N	N	N	N	N	N	PB	N	N			
2.21	Bed and Breakfast	PB	PB	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	N	N	N			
3. Industrial, utility																
3.1	Bus, railroad station	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP		NOTES: 1. Subject to § 185-42. 2. Biotechnology uses are permitted in the portions of the Industrial District and Office District which are in the Biotechnology Uses Overlay District. 3. See § 185-23, specifically, § 185-23A, Exemptions. 4. See § 185-44, "Administration and enforcement," for general special permit filing information, and § 185-23, Earth removal regulations, for specific filing information. 5. Any commercial earth removal is not permitted within a Water Resource District. 6. See § 185-3 for "commercial earth removal" definition. 7. Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule, Part VII, Accessory Uses.	
3.2	Contractor's yard															
	a. Landscape materials storage and distribution	N	N	N	N	N	N	N	N	N <sup>7</sup>	P/SP	N	N			
	b. Other	N	N	N	N	N	N	N	N	N <sup>7</sup>	P/SP	N	N			
3.3	Earth removal															
	a. Earth removal, commercial <sup>3,5,6</sup>	N	N	N	N	N	BA	BA	N	BA	BA	BA	BA			
	b. Earth removal, other <sup>3,4</sup>	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA			
	c. Rock quarrying	N	N	N	N	N	N	N	N	N	N	N	N			
	d. Washing, sorting and/or crushing or processing of materials	N	N	N	N	N	N	N	N	N	N	N				
	e. Production of concrete	N	N	N	N	N	N	N	N	N	N	N	N			
	f. Production of bituminous concrete	N	N	N	N	N	N	N	N	N	N	N	N			
3.4	Lumberyard	N	N	N	N	N	N	N	N	N	PB	N	N			
3.5	Manufacturing and Processing:															
	a. Biotechnology <sup>1</sup>	N	N	N	N	N	N	N	N	N	Y <sup>2</sup>	N	Y <sup>2</sup>			
	b. Light	N	N	N	N	N	PB	PB	PB	PB	P/SP	N	PB			
	c. Medium	N	N	N	N	N	N	N	N	N	P/SP	N	N			
	d. Heavy	N	N	N	N	N	N	N	N	N	N	N	N			
3.6	Printing, publishing:															
	a. Under 5,000 square feet	N	N	N	N	N	P/SP	P/SP	P/SP	P/SP	P/SP	N <sup>4</sup>	P/SP			
	b. Over 5,000 square feet	N	N	N	N	N	N	N	N	P/SP	P/SP	N	PB			
3.7	Public utility	P/SP	P/SP	P/SP	P/SP	N	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP			
	a. Electric power plant	N	N	N	N	N	N	N	N	N	N	BA	N			
3.8	Research and development:															
	a. Biotechnology <sup>1</sup>	N	N	N	N	N	N	N	N	N	Y <sup>2</sup>	N	Y <sup>2</sup>			
	b. Others	N	N	N	N	N	N	N	N	N	P/SP	P/SP	N	P/SP		
3.9	Solid waste facility	N	N	N	N	N	N	N	N	N	N	BA	N	N		
3.10	Warehouse, distribution facility	N	N	N	N	N	N	N	N	PB	Y	N	N <sup>7</sup>			
3.11	Wholesale office, salesroom:															
	a. With storage	N	N	N	N	N	N	P/SP	N	P/SP	P/SP	N	N <sup>7</sup>			
	b. Without storage	N	N	N	N	N	N	P/SP	P/SP	P/SP	Y	N <sup>7</sup>	N <sup>7</sup>			
3.12	Conference center	N	N	N	N	N	N	PB	N	PB	PB	P/SP	PB			
4. Institutional																
4.1	Cemetery	Y	Y	Y	N	N	N	N	N	N	N	N	N		NOTES: 1. But not including any use, the principal activity of which is one customarily conducted as a business. 2. See MGL c. 40A, § 3. 3. Except for municipal public safety.	
4.2	Hospital	N	N	N	N	N	N	PB	N	PB	PB	N	N			
4.3	Charitable institution	N	N	N	PB	PB	Y	Y	PB	N	N	N	N			
4.4	Correctional facility	N	N	N	N	N	N	N	N	N	BA	N	N			
4.5	Library, museum, art gallery	N	Y	Y	Y	N	Y	Y	Y	Y	N	N	N			
4.6	Lodge, social nonprofit <sup>1</sup>	N	N	N	N	N	Y	Y	Y	Y	N	N	N			
4.7	Public use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N <sup>3</sup>	N	N <sup>3</sup>		
	a. Municipal public safety	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
4.8	Religious or educational use:															
	a. Exempt from zoning prohibition <sup>2</sup>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
	b. Dormitories	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N			
5. Recreational																
5.1	Indoor commercial amusement, recreation, assembly <sup>1</sup>															
	a. General	N	PB	PB	PB	PB	Y	Y	PB	Y	N	N	N		1. Provided that the building is so insulated and maintained as to confine noise to the premises and the structure is located not less than 100 feet from a residential district boundary. 2. Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule Part VII, Accessory Uses.	
	b. Concentrated	N	N	N	N	N	PB	Y	PB	Y	N	N	N			
5.2	Golf course and/or club, public or private	PB	PB	N	N	N	N	N	N	N	N	N	N			
5.3	Movie theater	N	N	N	N	N	Y	PB	Y	PB	N	N	N			
5.4	Outdoor commercial amusement, recreation															
	a. Light	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N			
	b. General	PB	PB	PB	PB	N	Y	Y	N	Y	Y	N	N			
	c. Concentrated	N	N	N	N	N	N	PB	N	PB	N	N	N			
5.5	Equestrian center	BA	BA	N	N	N	N	N	N	N	N	N	N			
5.6	Public recreation	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N	N			
5.7	Automatic amusement device arcades	N	N	N	N	N	N	Y	N	N	N	N	N		NOTES: 1. Except PB in RVI District. (See § 185-38.) 2. Lot area must be at least 25% greater than that required for a single-family dwelling. 3. No more than one dwelling unit per 1,000 square feet of lot area may be permitted. 4. No more than one dwelling unit per 3,000 square feet of lot area may be permitted. 5. All dwelling units shall be located on floors above the street level floor. 6. No more than one dwelling unit per 2,000 square feet of lot area will be permitted; additional dwelling units may be allowed by Special Permit from the Planning Board.	
5.8	Health club	N	N	N	N	N	Y	Y	Y	Y	Y	N <sup>2</sup>	Y			
6. Residential																
6.1	Multifamily or apartment	N <sup>1</sup>	N	N	PB <sup>3</sup>	PB <sup>4</sup>	PB <sup>3</sup>	N	Y <sup>5,6</sup>	N	N	N	N			
6.2	Single-family	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N			
6.3	Two-family															
	a. New	N	N	Y <sup>2</sup>	Y <sup>2</sup>	Y <sup>2</sup>	Y	Y	N	N	N	N	N			
	b. By conversion	BA	BA	BA	Y	Y	BA	Y	BA	N	N	N	N			

Accessory Uses													
A1	Boarding	N	Y	Y	Y	Y	Y	Y	N	N	N	N	N
A2	Contractor's yard	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	N	N	N
A4	Manufacture, assembly, packing of goods sold on premises	N	N	N	N	Y <sup>1</sup>	Y <sup>1</sup>	Y <sup>1</sup>	Y <sup>1</sup>	Y	Y	N	Y <sup>1</sup>
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	N	Y	Y
A7	Restaurant, bar	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
A8	Retail sale of nonagricultural products manufactured, warehoused or distributed on or from premises	N	N	N	N	Y	Y	Y	Y	Y	Y <sup>2</sup>	N	Y <sup>2</sup>
A9	Scientific use in compliance with § 185-37	BA	BA	BA	BA	BA	BA	BA	BA	Y	Y	Y	Y
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	N	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	Y	Y	Y	Y	Y	Y	Y	Y
A13.1	Animal grooming	BA	BA	BA	BA	BA	Y	BA	Y	BA	BA	BA	BA
A14	Operation of not more than 5 automatic amusement devices	N	N	N	N	N	N	Y	Y	Y	Y	N	N
A15	Warehouse/distribution facility	N	N	N	N	N	N	Y	N	Y	Y	N	Y
A16	Wholesale office, salesroom												
	a. With storage	N	N	N	N	N	Y	Y	Y	Y	Y	N	Y
	b. Without storage	N	N	N	N	N	Y	Y	Y	Y	Y	Y <sup>3</sup>	Y
A17	Catering	N	N	PB	PB	PB	Y	Y	Y	Y	Y	Y	Y
A18	Function hall	N	N	PB	PB	PB	Y	Y	Y	Y	Y	Y	Y

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.

Current Bylaw		Proposed Bylaw
<b>Exemptions</b>	No provision for exemptions.	Any exterior addition, alteration or improvement to structures and/or land not greater than 500 s.f. and not involving any substantial change in use as determined by the Zoning Enforcement Agent's interpretation of the Zoning Code Use Regulations Schedule.  Allows for minor changes in use and small projects to be handled by the Building Commissioner without site plan review.
<b>Site Plan</b>		
Filing Requirements	Currently, all "construction, alteration, use, or reuse of any structure other than a single-family or two-family dwelling (requiring a building permit) must receive (full) site plan review.	Any application not exempt or classified as a limited site plan must file as a site plan. Allows Planning Board to ensure sites that are exempt or do not qualify as limited site plans, are compliant with the Town's Zoning Bylaw.
Plan Submittal Requirements	Vague submittal requirements defined; leads to submittal of incomplete applications to the Planning Board.	Submittal criteria clearly defined; Planning Board does not have to continue meetings to ask the applicant for additional materials not submitted in advance. Plans for submittal are defined based upon the number of people who review the plans to make sure they are compliant with Zoning and Town Code to ensure the safety of the community and/or who must retain a copy for public record: 6 Planning Board members, 2 DPW (Town Engineer/other), Town Planner, Fire Chief, Police Chief, Building Commissioner, Town Clerk, Board of Health, ZBA (when needed), Conservation Commission (when needed).
Fee	Existing Fee	No Change
<b>Limited Site Plan</b>		
Filing Requirements	No filing process defined. Applicant must attend Planning Board meeting to get guidance from the Board before knowing if a plan should be filed as a full site plan or a limited site plan.  No provision in current bylaw for any plan review other than Full Site Plan Review.	Criteria defined for determination if a plan is a limited site plan. An applicant will know specifically which application to fill out without needing to go to the Planning Board.  If the applicant meets all the requirements for a limited site plan they will be guaranteed this type of review and know in advance.
Fee	Existing Fee	No Change
Plan Submittal Requirements	Very vague/limited submittal requirements defined.	Process defined for an applicant so they know what to submit ahead of a Planning Board meeting.
<b>Special Permit</b>		
Filing Requirements	Not currently defined under site plan Applications for special permits are filed separately from a site plan or limited site plan application and approved separately.	Where a special permit is required, a site plan or a limited site plan must be submitted under one application; site plans will no longer be approved without approved special permits.
Fee	Existing Fee	No Change

## **Application Scenarios with the Planning Board – Current Site Plan Bylaw vs. Proposed Site Plan Bylaw**

**Scenario A: Current Bylaw:** Frank proposes construction of 20+ parking spaces, an 8,000 s.f. building, landscaping and infrastructure improvements, files a full site plan application required according to the bylaw, completing required advertising and abutters notifications at a cost of \$250, paying a \$1,500 application fee and waiting the required amount of time to have a scheduled public hearing, completing the site plan application process in approximately 45 days. Alex proposes a nearly identical development just down the road from Frank and is able to file a limited site plan with the Planning Board at a cost of \$500 and quickly gets on the next available Planning Board agenda receiving an approval within in 10 days. When Frank hears of this Town staff is asked by Frank why was Alex allowed to file a limited site plan when I had to file a full site plan at twice the cost and in four times the amount of time? Town staff tries to explain that under the site plan bylaw, limited site plans can be reviewed by the Planning Board on a case-by-case basis and the Planning Board felt this case should be reviewed as a limited site plan. Frank leaves the Municipal Building not understanding why two extremely similar projects have such different filing requirements?

**Proposed Bylaw:** The proposed bylaw would require any applicant proposing the above development scenario to file a full site plan with clear criteria indicating why; all applicants would have the same filing criteria to follow when submitting an application eliminating any question as to how an application should be filed. The above scenario would no longer occur under the proposed bylaw.

**Scenario B: Current Bylaw:** Acme Apparel at the Franklin Village Mall goes out of business and Franklin Sports Wear wants to lease the vacant space. Franklin Sports Wear has 3 weeks to move into the space because their existing lease runs out, but is informed because the site plan bylaw states “reuse of any structure” must receive site plan review, Franklin Sports Wear must apply to the Planning Board before they can officially begin their tenant fit-up. Since limited site plans are granted on a case-by-case basis the business decides to file a Limited Site Plan application, at a cost of \$500, submits plans, attends a meeting and receives their approvals, which takes 2 weeks, soon they realize, they will still need their plans endorsed, adding another two weeks to their move-in timeline, a total of 4 weeks when they only have three weeks to move, all for a simple change in use! Franklin Sports Wear is not happy. The applicant returns to the Municipal Building and has a meeting with the Building Commissioner, adding another trip on their already busy schedule and thankfully the Building Commissioner is able to give the business a temporary certificate of occupancy to complete the needed work in time for the company to occupy their new space while completing the Planning Board process.

**Proposed Bylaw:** There is no exterior addition, alteration or improvement to structures and/or land and there is no substantial change in use so therefore the applicant is exempt from site plan review and would handle the matter directly with the Building Commissioner saving time from attending a Planning Board meeting and saving the expense of having to produce plans and submitting filing fees with the Planning Board. The above scenario would no longer occur under the proposed bylaw.

**Scenario C:** An applicant comes to the Department of Planning and Community Development (DPCD) and indicates they would like to add a 3,000 s.f. addition to their existing building, they state they have an existing site plan that was approved in 2010 with drainage and believe they will not need any additional parking, and definitely don't need any ZBA relief. They indicate that they will be using the additional 3,000 s.f. for office space just as the rest of the building is currently used and would like to know how to file with the Planning Board?

**Current Bylaw:** DPCD staff indicates they think it will likely be considered a limited site plan modification by the Planning Board, however aren't able to formally say this as it is up to the Planning Board to make this determination. DPCD indicates there are two options: 1. the applicant can take a chance and file limited site plan application and understand there is the possibility the Board may ask for a full site plan or 2. informally

## **Application Scenarios with the Planning Board – Current Site Plan Bylaw vs. Proposed Site Plan Bylaw**

attend a Planning Board meeting ask how the Board would like them to file and then file the application, which takes longer but you then know for sure which application to file. The potential applicant takes their chances and files a limited site plan application only to get to the Planning Board and have the Board ask the applicant to file a full site plan, which will require notification of abutters and advertising. The applicant is not pleased as this now adds at least 4-6 weeks of time on their construction plans and this is just something they wish they knew for sure when they started the process.

**Proposed Bylaw:** Clearly defined set of filing criteria would indicate to an applicant that this is limited site plan application and DPCD staff would be better able to assist a customer thus expediting the filing process with the Planning Board for the potential applicant. The above scenario would no longer occur under the proposed bylaw.

**Scenario D:** Anne has operated an office out of the same owner/operated, multi-tenant building since 1962. Anne decides after 50 years in business that she is going to retire and will convert her office space to a restaurant. Anne goes to pull her building permits but is told by the Building Commissioner she will need to file for site plan review with the Planning Board. Anne is not happy about this request, indicating she has owned and run her business from the building for 50 plus years, is a small business owner and does not understand why a change in use like this would need site plan review; it is an expense she simply can not afford.

**Current Bylaw:** The Building Commissioner, with the help of the Town Planner try to explain to Anne that the site plan bylaw requires any change of use, big or small to go for site plan review. It is explained that the Planning Board will require a full site plan review as the site currently does not have adequate drainage, lighting, landscaping to screen abutters or sufficient handicap parking nor the required parking for a change in use from an office to a restaurant; it is also mentioned that being a multi-tenant building, the entire site will need to be compliant with the zoning bylaw. Anne is also informed that there is significant concern regarding traffic flow on to the very busy Route 140 if a restaurant is added to her site. Anne is then shown the site plan bylaw to which she says, how many plans do I file? What application is it? Will I need a traffic study if you are concerned about traffic impacts? Do I file a drainage study? Anne understands the staff is doing their best to help, but leaves frustrated as she is unable to understand the process for filing a site plan by reading the bylaw. Anne notes that without a clear path to follow, she hopes it doesn't cost her a lot in engineering expenses by not knowing what she should be submitting to the Planning Board, after all, she is just a small business owner on the verge of retiring!

**Proposed Bylaw:** As under the current bylaw, Anne would be required to file a full site plan review under the proposed bylaw, in order to bring the entire site into compliance with the Zoning Bylaw. There are clearly defined set of criteria for staff to show Anne why this is required and clear list of documents and drawing requirements needed for Anne to know what is required for submittal on her now limited retirement budget. It would be more likely that less Planning Board meetings would be required because she will be able to submit a complete application with sufficient documents and plan sets for not only the Planning Board to Review but also for staff to make informed recommendations to the Planning Board in a timely manner, greatly reducing Anne's cost in engineering services, plan production and hopefully leaving Anne less frustrated with the Planning Board process because the staff was given necessary tools to help Anne through an otherwise difficult process to understand.



**SPONSOR:**

*Department of Planning and  
Community Development*

**TOWN OF FRANKLIN**

**ZONING BY-LAW AMENDMENT 12-695 proposed**

**SITE PLAN AND DESIGN REVIEW**

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT  
CHAPTER 185, SECTION 31.**

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:**

Chapter 185 of the Code of the Town of Franklin is hereby amended by deleting the entire section of §185-31. Site Plan and Design Review, and adding the following text:

**§185-31 Site Plan and Design Review.**

**1. Site Plan Review**

**A. Purpose and Intent.**

The purpose of this section is to protect the health, safety and welfare of the inhabitants of the Town of Franklin by providing for a review of plans for uses and structures which may have impacts on traffic, environmental quality, community character and parking. It is also the intent of this Bylaw that the site plan review and design review process will ensure compliance with Chapter 185 of the Code of the Town of Franklin and good zoning practices.

**B. Authority**

**(1) General Requirements.**

- (a) No Building Permit shall be issued for, and no person shall undertake, any construction, alteration, or other improvements unless they have first obtained site plan review approval from the Planning Board.**

**(2) Exemptions.**

- (a) The Town of Franklin or any of its Departments.**
- (b) Single-family and two-family dwellings.**
- (c) Religious and Educational uses as defined in Massachusetts General Law Chapter 40A, Section 3 as to aesthetic considerations only.**
- (d) Any exterior addition, exterior alteration or exterior improvement to structures and/or land not greater than 600 s.f. and not involving any substantial change in use as determined by the Zoning Enforcement Agent's interpretation of the Zoning Code Use Regulations Schedule.**

(3) Reviewing Board.

- (a) The Planning Board shall conduct Site Plan review and Limited Site Plan review, for all actions that are subject to the provisions of this section and shall issue decisions.

**C. Site Plan Approval.**

- (1) Filing criteria. Any exterior addition, alteration or improvement to structures and/or land that does not qualify as a Limited Site Plan Modification (see §185-31.D Limited Site Plan Approval) or is not exempt under §185-31.1.B.(2) Exemptions shall require Site Plan approval.
- (2) Application Submittal Requirements. Applicants must submit the following information concurrently, to be considered a complete application for site plan review; incomplete applications may result in refusal of application.
  - (a) Eleven (11), 24 x 36 inch, folded copies of the Site Plan along with six (6), 11 x 17 reduced size copies of the site plan.
  - (b) One (1) original, Form P site plan application and one (1) copy.
  - (c) One (1) original, notarized, certificate of ownership and one (1) copy.
  - (d) Certified list of abutters from Assessors Office.
    - [1] Projects under this section require a public hearing per §185-45.M Notice of public hearings.
  - (e) Filing fee. Fee submitted as calculated in Chapter 82, Appendix A of the Franklin Town Code, List of Service Fee Rates Section I, Planning.
  - (f) If required, the applicant must submit an application for Design Review Commission per §185-31.(2) Design Review Commission, Site Plans, facades, landscape and lighting, §185-45.N. Administration and enforcement. Design Review Commission, and §185-20.H. Signs. Sign Approvals.
  - (g) The Planning Board may determine that a proposed project warrants the use of an outside consultant (e.g., Civil Engineer) per §185-45.L.(1) Consultant Review Fees.
    - [1] If required, the applicant must send one copy of all submittal requirements to the requested outside consultant (e.g., Civil Engineer). Please contact the Department of Planning and Community Development for consultant contact information.
  - (h) Other. Additional materials as requested by Town staff and/or the Planning Board.
- (3) Drawing Requirements. Plans subject to site plan review, shall be prepared by a professional land surveyor and/or professional engineer as required; drawings must contain the appropriate professional stamp prior to submittal. Supplemental plans may be prepared by a professional architect or landscape

architect. A site plan shall be prepared in compliance with the various requirements of Chapter 185 (Zoning) showing:

- (a) Plans prepared at a scale between 1" = 20' and 1" = 50'.
- (b) The plan name (if applicable), date of plan preparation, all revisions to plan and the nature of the revisions, North point, scale, legend, Assessor's map and parcel identification numbers and appropriate title information.
- (c) The name and address of the following: the record owner, the applicant, professional land surveyor and/or professional engineer.
- (d) A vicinity/locus map including the location and boundaries of the site, abutting land uses and zoning information (descriptive and technical data).
- (e) Existing and proposed land and building uses.
- (f) Existing topography and proposed grading for the entire site. This should include earth removal as defined in §185-3. Definitions.
- (g) An indication of wetlands or other areas potentially subject to the Wetlands and Rivers Protection Act.
- (h) Areas included in any floodplain district and areas included in the Water Resource District.
- (i) The location of any proposed structures, streets, ways, walls, hydrants, principal drives, fences, outdoor lighting, open space areas, recreation areas, egresses, service entries, loading facilities, facilities for waste disposal or storage, snow storage areas and parking with individual spaces identified.
- (j) The location, size and sketch of all proposed signs.
- (k) A Landscaping Plan showing existing vegetation, proposed vegetation and the distinction between proposed and retained vegetation. A note shall be placed on the plan that all Plantings shall come from the Best Development Practices Guidebook.
- (l) A Photometric Plan with sufficient illuminance values, to determine compliance with §185-31.1.C.(4).(e).Site Plan. Review Criteria.
- (m) Location and relevant details of proposed and existing water, drainage and sewerage systems in enough detail to determine if the applicant may be upon request of the Planning Board, required to provide a Stormwater Report to ensure compliance with Stormwater Management Standards, Low Impact Development Practices and use of the Town of Franklin Best Development Practices Manual.
- (n) Sufficient data to determine compliance with the rules and regulations of the Architectural Barriers Board for handicapped parking, if applicable.
- (o) A parking schedule showing the number of parking spaces required for the proposed use(s) as required by §185-21. Parking, loading and driveway

requirements versus the number of parking spaces actually being provided, if applicable.

- (p) A table showing the requirements of §185 Attachment 9: Schedule of Lot, Area, Frontage, Yard and Height Requirements for the Zoning District in which the property is located and how the proposed structure and/or uses will comply with the requirements.
  - (q) Materials required for design review as provided for in §185-31.(2) Design Review Commission, if applicable.
  - (r) Data quantifying on-site generation of noise and odors, if applicable.
  - (s) Description of traffic circulation, safety and capacity in sufficient enough detail for the Board to make a determination of whether a traffic impact analysis is necessary. If information is not sufficient, upon the request of the Planning Board, an applicant may be required to provide a comprehensive traffic study detailing the effects of the proposed development.
  - (t) Sight line information at proposed entrance/exit ways.
  - (u) Limit of work area, including proposed tree line.
  - (v) Plans should be prepared in consideration with policies set forth in the Best Development Practices Guidebook and The Design Review Commission Guidelines.
- (4) Review Criteria: The Planning Board shall approve a Site Plan *only* upon its determination of the following:
- (a) Internal circulation, queuing, entrance and egress are such that traffic safety is protected and access via secondary streets servicing residential neighborhoods is minimized.
  - (b) Reasonable use is made of building location, grading and vegetation to reduce visibility of structures, parking area, outside storage or other outdoor service areas (e.g., waste removal) from public views.
  - (c) Adequate access to each structure for fire and service equipment is provided.
  - (d) Utilities, drainage and fire-protection provisions serving the site provide functional service to each structure and paved area in the same manner as required for lots within a subdivision.
  - (e) No site feature or activity shall create glare or illumination which extends beyond a site's property lines and creates a hazard or nuisance to neighboring property owners or on adjacent roadways. Lighting shall be designed to provide the minimum illumination necessary for the safety and security of the proposed activity. Lighting shall be designed such that the light source is shielded and the light is directed downward.

- (f) Proposed limit of work is reasonable and protects sensitive environmental and/or cultural resources. The site plan as designed will not cause substantial or irrevocable damage to the environment, which damage could be avoided or mitigated through an alternative development plan.
- (g) All other requirements of the Zoning Bylaw are satisfied.

**D. Limited Site Plan Approval.**

- (1) Filing Criteria. Any exterior addition, alteration or improvement to structures and/or land that meets all of the following criteria:
  - (a) Has previous site plan approval from the Planning Board, or was constructed prior to 1930, date of original Zoning Bylaw approval;
  - (b) results in the creation of no more than 15 additional parking spaces;
  - (c) results in the exterior addition, alteration or improvement to structures and/or land of no more than 5,000 square feet;
  - (d) results in an increase in impervious surface of no more than ten (10) percent of existing impervious coverage;
  - (e) does not alter the access to a public way;
  - (f) does not result in substantial change in use as determined by the Zoning Enforcement Agent; and
  - (g) Does not require any additional relief from the Zoning Board of Appeals.
- (2) Application Submittal Requirements. Applicants must submit the following information concurrently, to be considered a complete application for limited site plan review; incomplete applications may result in refusal of application.
  - (a) Eleven (11), 24 x 36 inch, *folded* copies of the Site Plan along with six (6), 11 x 17 reduced size copies of the site plan.
  - (b) One (1) original, limited site plan application and one (1) copy.
  - (c) One (1) original, notarized, certificate of Ownership and one (1) copy.
  - (d) Filing fee. Fee submitted as calculated in Chapter 82, Appendix A of the Franklin Town Code, List of Service Fee Rates Section I, Planning.
  - (e) If required, the applicant must submit an application for Design Review Commission per §185-31.(2) *Design Review Commission, Site Plans, facades, landscape and lighting, §185-45.N. Administration and enforcement. Design Review Commission,, and §185-20. H. Signs. Sign Approvals.*
  - (f) Other. Additional materials as requested by Town staff and/or the Planning Board.
- (3) Drawing Requirements. Plans subject to limited site plan review, shall be prepared by a professional land surveyor and/or professional engineer as required; drawings must contain the appropriate professional stamp prior to submittal. Supplemental plans may be prepared by a professional architect or

landscape architect. A limited site plan shall be prepared in compliance with the various requirements of Chapter 185 (Zoning) and at a minimum show the following:

- (a) Plans prepared at a scale between 1" = 20' and 1" = 50'.
  - (b) The plan name (if applicable), date of plan preparation, all revisions to plan and the nature of the revisions, North point, scale, legend, Assessor's map and parcel identification numbers and appropriate title information.
  - (c) The name and address of the following: the record owner, the applicant, professional land surveyor and/or professional engineer.
  - (d) The location and boundaries of the site; vicinity map.
  - (e) Plan sets shall include previously approved site plan sheets necessary to show where changes will occur.
  - (f) Existing and proposed land and building uses including, location of any proposed structures, streets, ways, walls, hydrants, principal drives, fences, outdoor lighting, open space areas, recreation areas, egresses, service entries, loading facilities, facilities for waste disposal or storage, snow storage areas and parking with individual spaces identified.
  - (g) The Planning Board may ask for plans to include drawing requirements as defined under §185-31.1.C.(3). *Site Plan Approval. Drawing Requirements*, upon the representation from technical staff or consultants that additional plans are needed in order to sufficiently review the limited site plan.
    - [1] Applicants are advised to ask technical staff for guidance on drawing requirements prior to plan submittals.
    - [2] Technical staff and/or consultants shall advise the Planning Board within a reasonable amount of time that additional plans are needed from an applicant for sufficient plan review.
- (4) Review Criteria. The Planning Board shall approve Limited Site Plans only upon determination of the following:
- (a) Site plan is consistent with §185-31.1.C.(4) *Site Plan Approval. Review Criteria*.

#### **E. Special Permits**

- (1) Where special permit(s) are required, a site plan or limited site plan must be submitted under one application for approval, with the special permit application.
  - (a) No separate site plan approval shall be issued for a special permit application(s), but rather a site plan shall be approved as part of a special permit approval.

- (b) Accompanying Site Plans shall be submitted according to §185-31.1.C.(3). Drawing requirements, while accompanying limited site plans shall be filed according to §185-31.1.D.(3). Drawing requirements.
- (2) Special Permits shall be granted by the Planning Board as defined under §185-45 E. and F. Administration and Enforcement.

**F. Notice to Town Boards and other Town Officials**

- (1) The Planning Board shall notify the Design Review Commission, Fire Chief, Police Chief, Department of Public Works, Department of Planning & Community Development, Building Commissioner, Conservation Commission, and Board of Health of its public hearing schedule and in addition, may, in making its determination request information or analysis from any of the Departments, Boards or Commissions listed above.

**G. Public Hearings**

- (1) Public Hearings shall be advertised and noticed given pursuant to the requirements of §185-45.M Administration and enforcement, Notice of public hearings.
  - (a) Projects reviewed under §185-31.1.C Site Plan approvals and §185-31.1.E Special Permits require a Public Hearing per §185-45.M Administration and enforcement, Notice of public hearings.

**H. Decisions**

- (1) No decision shall be issued by the Planning Board until all other Boards or Commissions having jurisdiction over a proposed development have issued decisions if a Board's or Commission's decision is likely to impact the Site Plan/Limited Site Plan being reviewed by the Planning Board. A Board or Commission may issue a letter to the Planning Board indicating no adverse impact will occur if the Planning Board issues a decision prior to the other Boards or Commissions.
- (2) No building permit shall be issued until the final site plan has been endorsed by the Planning Board.
- (3) All required improvements specified in the Planning Board's final decision must commence within a one-year period and once commenced shall proceed continuously until completion as determined by the Planning Board, unless an extension is granted by the Board.

**I. Penalties**

- (1) Any person who fails without good cause to complete the required improvements within the period of time specified by the Planning Board shall be considered in violation of this chapter and §185-45 of the Town of Franklin Zoning Code. Any violation of this section shall result in a fine of \$300 for each offense; each day that such violation continues shall constitute a separate offense. Enforcement shall be by the Building Commissioner or his designee.

**J. Certificate of Completion.**

- (1) A Certificate of Completion or a Certificate of Partial Completion shall be submitted by the applicant's engineer or surveyor upon completion of all required improvements. A Temporary Certificate of Occupancy of 30 days maximum may be issued upon consideration of the Building Commissioner provided requirements of all other Town Departments have been satisfied. No final Certificate of Occupancy shall be issued by the Building Commissioner until a Certificate of Completion has been reviewed and approved by the Planning Board.
- (2) The Planning Board will use outside consultant services, to complete construction inspections which shall be paid by the applicant as defined in §185-45.L Consultant Review Fees.
- (3) The Board will act on certificate of completion requests within 30 days and will notify the Building Commissioner of approved certificates of completion within five business days of its action.

**2. Design Review Commission, site plans, facades, landscape and lighting**

**A. Purpose and Intent.**

The purpose of design review is to promote safe, functional and attractive development of business and commercial areas; to preserve and enhance the New England character of the Town's commercial centers and thoroughfares as a valid general welfare concern; to unify commercial properties, both visually and physically, with surrounding land uses; to facilitate a more healthful urban atmosphere; to protect and preserve the unique and cultural features within the Town; and to protect commercial property values by enhancing the Town's appearance.

- Every reasonable effort shall be made to preserve the distinguishing original qualities of a building, structure or site and its environment.
- The removal or alteration of any historic material, architectural features or trees shall be avoided when possible.
- Distinctive stylistic features and/or examples of skilled or period craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and when such design is compatible with the surrounding environment.

**B. Design Review Commission Review Requirements.**

- (1) Applicants must file with Design Review Commission for any external use of land, building, structure or project that requires site plan review or limited site plan review and/or a building permit and is at least one of the following, except for single and two-family dwellings:

  - Within Commercial I, Commercial II, Business Zoning Districts, Downtown Commercial or Office.



- Listed as a principal use in the Use Regulation Schedule Part II, 2. Commercial, regardless of the underlying zoning district.
- Listed as a principal use in the Use Regulation Schedule Part V, 5. Recreational, regardless of the underlying zoning district.
- Considered one of the following additional principal uses as listed in the Use Regulation Schedule:
  - Part III, 3. Industrial, utility, 3.1: Bus, railroad station.
  - Part III, 3. Industrial, utility, 3.10: Conference and training center.
  - Part IV, 4. Institutional, 4.2: Hospital, charitable institution, similar noncorrectional use.
  - Part IV, 4. Institutional, 4.3: Library, museum, art gallery, civic center.
  - Part IV, 4. Institutional, 4.4: Lodge, other nonprofit social or civic use.
  - Part IV, 4. Institutional, 4.5: Public Use and 4.5.a: Municipal public safety.
  - Part VI, 6. Residential, 6.1: Multifamily or apartment.
  - Signs

### **C. Application Submittal Requirements.**

- (1) Applicants must submit the following information concurrently, to be considered a complete application for review before the Design Review Commission; incomplete applications may result in refusal of application.
  - (a) One (1), original, Form Q, Design Review Application.
  - (b) When applicable, a materials sample board should be brought to the Design Review Commission Meeting for review; color palette numbers and product numbers are required for the record.
  - (c) Nine (9), color (as applicable) copies of the site plan including the following detailed information as applicable:
    - [1] Landscape plan showing plantings; plantings must be from Best Development Practices Guidebook.
    - [2] Photometric Plan indicating lighting levels and specifications of lighting proposed.
    - [3] Building elevations showing size and height of building(s); front, rear and side elevations, including color and type of surface materials.
    - [4] Renderings or photographs showing the proposed building site and surrounding properties. Applications for alterations and/or additions shall depict existing structures to be altered and their relationship to adjacent properties.
    - [5] If there is currently signage on an existing building or at a site please provide detailed photos of the sign(s) and its location on the building(s) or location(s) at the site or provide the required application for sign review for new signage under §185-20.H.2. Application Submittal Requirements.

(2) Review Criteria. The Design Review Commission shall consider, at a minimum, the following standards in the course of the design review of a proposed action:

- (a) Height. The height of any proposed alteration should be compatible with the style and character of the surrounding buildings, within zoning requirements.
- (b) Proportions of windows and doors. The proportions and relationships between doors and windows should be compatible with the architectural style and character of the surrounding area.
- (c) Relations of building masses and spaces. The relationship of a structure to the open space between it and adjoining structures should be compatible.
- (d) Roof shape. The design and pitch of the roof should be compatible with that characteristic of New England architectural styles.
- (e) Scale. The scale of the structure should be compatible with its architectural style and the character of the surrounding New England-style buildings.
- (f) Facade line, shape and profile. Facades shall blend with other structures in the surrounding area with regard to the dominant vertical or horizontal context.
- (g) Architectural details. Architectural details, including signs, materials, colors and textures, shall be treated so as to be compatible with New England architectural styles and to preserve and enhance the character of the surrounding area.
- (h) Advertising features. The size, location, design color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of the proposed buildings and structures and the surrounding properties.
- (i) Heritage. Removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practicable.
- (j) Energy efficiency. To the maximum extent reasonably practicable, proposals shall utilize energy-efficient technology and renewable energy resources and shall adhere to the principles of energy-conscious design with regard to orientation, building materials, shading, landscaping and other elements.
- (k) Landscape. The landscape should improve the character and appearance of the surrounding area, and parking areas should be located to the side or rear of buildings when reasonably possible.
- (l) Design Review Commission shall also utilize the standards as set forth in the *Design Review Commission Design Guidelines*. (Attachment 11, Zoning Bylaw).

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:** \_\_\_\_\_, 2012

**VOTED:**

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

**A True Record Attest:**

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

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

**Deborah L. Pellegri**  
**Town Clerk**

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

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**Judith Pond Pfeffer, Clerk**

**TOWN OF FRANKLIN**  
**ZONING BY-LAW AMENDMENT 12-696**

**SIGNS.**  
**SIGN APPROVALS.**

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT  
CHAPTER 185, SECTION 20.**

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:**

Chapter 185 of the Code of the Town of Franklin is hereby amended by ~~deleting~~ and adding the following text at §185-20. Signs:

**H. — Enforcement**

- ~~(1) — The Enforcement Agent for this bylaw shall be the Building Commissioner or his designee and the Franklin Police Department.~~
- ~~(2) — The Building Commissioner may order the cessation, repair, alteration, correction or removal of any sign that is not in compliance with the provisions of this bylaw.~~
- ~~(3) — Any sign may be inspected periodically by the Building Commissioner for compliance with this bylaw and other requirements of law. Any sign which has been ordered removed by Building Commissioner, or is abandoned or discontinued, shall be removed by the sign owner or the owner of the property on which the sign is located within thirty (30) days of written notice from the Building Commissioner. Violation of any provision of this by law or any lawful order of the Building Commissioner shall be subject to the following fines. Each day that violation continues shall constitute a separate offense.~~
  - ~~(1) First Offense ————— \$50.00.~~
  - ~~(2) Second Offense ————— \$100.00.~~
  - ~~(3) Third and Subsequent Offense ————— \$200.00.~~

**I. — Appeals**

~~Any Applicant may appeal a Design Review Commission decision to the Zoning Board of Appeals (ZBA) within 10 days of the decision, by filing the appeal in writing to the ZBA Administrative Secretary specifying the grounds for such appeal. Any Applicant may appeal the Building Commissioner's order of removal to the Zoning Board of Appeals within 10 days of the issuance of written notice, by filing the appeal in writing to the ZBA Administrative Secretary specifying the grounds for such appeal. Refer to Section 185-45 Zoning for more information regarding the ZBA.~~

## **H. Sign Approvals.**

### **(1) Design Review Commission Sign Approvals**

- (a) All new signs and sign modifications must be reviewed and approved by the Design Review Commission prior to issuance of a Building Permit.

### **(2) Application Submittal Requirements. Applicants must submit the following information concurrently, to be considered a complete application for review of Signs; incomplete applications may result in refusal of application.**

- (a) One (1), original, Form Q, Design Review Application with questions A-F completed.
- (b) Nine (9), color copies of the proposed sign rendering as required in §185-31.2.F(2).(a).
- (c) Nine (9) copies of the plan showing sign as required in §185-31.2.F(2).
- (d) Picture(s) of existing sign(s) if applicable.

### **(3) Drawing Requirements.**

- (a) Color rendering of the proposed sign which includes but is not limited to the following detailed information:
  - [1] Type of sign (i.e. wall, pylon, etc.)
  - [2] Size/dimensions
  - [3] Style of lettering
  - [4] Colors being used (specific name of color)
  - [5] Materials
  - [6] Lighting (illuminated, non-illuminated)
  - [7] Style of lighting being used (internally illuminated, externally illuminated) and provide details of lighting fixtures.
- (b) A plan showing the proposed location of existing signs or proposed signs and any proposed landscaping, if applicable to sign area.

### **(4) Review Criteria.**

- (a) Signs shall be reviewed by the Design Review Commission according to the criteria set forth in the *Design Review Commission Design Review Guidelines, Part IV Sign Guidelines* (Attachment 10, Zoning Bylaw).

## **I. Enforcement**

- (1) The Enforcement Agent for this bylaw shall be the Building Commissioner or his designee and the Franklin Police Department.
- (2) The Building Commissioner may order the cessation, repair, alteration, correction or removal of any sign that is not in compliance with the provisions of this bylaw.

(3) Any sign may be inspected periodically by the Building Commissioner for compliance with this bylaw and other requirements of law. Any sign which has been ordered removed by Building Commissioner, or is abandoned or discontinued, shall be removed by the sign owner or the owner of the property on which the sign is located within thirty (30) days of written notice from the Building Commissioner. Violation of any provision of this by-law or any lawful order of the Building Commissioner shall be subject to the following fines. Each day that violation continues shall constitute a separate offense.

- |     |                                     |                  |
|-----|-------------------------------------|------------------|
| (1) | <u>First Offense</u>                | <u>\$50.00.</u>  |
| (2) | <u>Second Offense</u>               | <u>\$100.00.</u> |
| (3) | <u>Third and Subsequent Offense</u> | <u>\$200.00.</u> |

**J. Appeals**

Any Applicant may appeal a Design Review Commission decision to the Zoning Board of Appeals (ZBA) within 10 days of the decision, by filing the appeal in writing to the ZBA Administrative Secretary specifying the grounds for such appeal. Any Applicant may appeal the Building Commissioner's order of removal to the Zoning Board of Appeals within 10 days of the issuance of written notice, by filing the appeal in writing to the ZBA Administrative Secretary specifying the grounds for such appeal. Refer to Section 185-45 Zoning for more information regarding the ZBA.

---

**DATED:** \_\_\_\_\_, 2012

**VOTED:**

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

**A True Record Attest:**

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

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

**Deborah L. Pellegrini**  
**Town Clerk**

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

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**Judith Pond Pfeffer, Clerk**

**SPONSOR:**

*Department of Planning and  
Community Development*

**TOWN OF FRANKLIN**

**ZONING BY-LAW AMENDMENT 12-697**

**ADMINISTRATION & ENFORCEMENT.  
DESIGN REVIEW COMMISSION.**

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT  
CHAPTER 185, SECTION 45.**

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:**

Chapter 185 of the Code of the Town of Franklin is hereby amended at Section 45.  
Administration and enforcement by adding the following:

**N. Design Review Commission.**

**(1) Authority.**

- (a) The Design Review Commission shall review and act upon applications for all actions that are subject to the provisions of §185-20. Signs and §185-31. Site Plan and Design Review; in addition, the Commission shall make recommendations to the Planning Board or Zoning Board of Appeals, as appropriate, concerning the conformance of a proposed development with design review standards contained herein.

**(2) Composition.**

- (a) Make up. The Franklin Design Review Commission shall be composed of five members and two associate members. Members and associate members shall be appointed by the Town Administrator, and ratified by the Town Council.
- (b) Terms. Staggered terms shall be established for all members of the Design Review Commission and shall be three years in length. Associate members will serve for one-year terms.
- (c) Associate Members. Associate members of the Design Review Commission shall participate in all matters before the Commission, in the same manner as members, except, associate members may not vote unless authorized to do so by the Chair or Acting Chair. An associate member, if present, shall be authorized to vote, in the absence, inability to act or conflict of interest on the part of any member.

- (3) Design guidelines. A set of design guidelines specific to Franklin's business and commercial areas shall be adopted by the Planning Board after study by an ad hoc committee established by the Town Council. The Design Review

Commission Guidelines shall be consulted and applied by the applicant in the development of plans. The guidelines shall also serve as the basis for decisions for the Design Review Commission. Once adopted, the design guidelines may be amended by a majority vote of the Planning Board after a public hearing in accordance with Article VI, § 4-15 of the Code of the Town of Franklin.

(5) Procedures.

(a) Application Review.

- [1] The Design Review Commission will hold a meeting on an application within 30 days of its receipt.
- [2] The applicant or a representative for the applicant shall appear at the meeting of the Design Review Commission at which the proposed project is reviewed, unless the Chairman of the Commission determines, in his sound discretion, that any benefit of the applicants attendance would be outweighed by the expense or inconvenience involved, in which case, the Chairman shall inform the applicant that they do not need to attend the meeting.
- [3] The Design Review Commission shall notify the Planning Board, Fire Chief, Police Chief, Department of Public Works, Department of Planning & Community Development, Building Commissioner, Conservation Commission, and Board of Health of its meeting schedule as necessary and may, in making its determination request information or analysis from any of the Departments, Boards or Commissions listed above.
- [4] The Commission will review the proposal taking into consideration information or analysis from Departments, Boards or Commissions listed above in subsection [3].

(6) Decisions.

- (a) Based on compliance with the requirements and design guidelines, the project may be either recommended for approval, with or without conditions or denial. When a project is recommended to be approved or denied, the applicant shall receive written notice of the recommendation within five days of the date of said meeting; in the case of the latter decision, reasons for denial shall be provided in detail and with specificity.
- (b) If the Commission fails to make its recommendation within the time frame established, the permitting authority shall consider that the Commission has no objection to the building and other design features.
- (c) No project shall commence until the Design Review Commission has reviewed the proposal and forwarded its recommendation to the Planning Board or Board of Appeals for their consideration within the allotted time established under §185-31(1) or 185-45.D.



(7) Appeals.

- (a) Appeals of any Design Review Commission decisions relating to signs may be made to the Zoning Board of Appeals within 10 days of the decision.
- (b) Appeals other than signs. The Design Review Commission is advisory to the Planning Board and the Zoning Board of Appeals with reference to site plan review. Its recommendations are not binding on the permitting board.

---

**DATED:** \_\_\_\_\_, 2012

**VOTED:**

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

**A True Record Attest:**

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

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

**Deborah L. Pellegrini**  
**Town Clerk**

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

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**Judith Pond Pfeffer, Clerk**

# Office of the Town Administrator



## MEMORANDUM

**Date:** January 3, 2013  
**To:** Town Council  
**From:** Maxine Kinhart  
**Subject:** Innholder's License

---

The Residence Inn by Marriott has approached the Town and requested to be allowed to provide alcohol to its patrons. Their clients, EMC and Liberty Mutual, have requested that they provide this service to their employees staying at the Inn.

The Residence Inn currently has an Innholder's License under Chapter 140 §2 and 6 of the M.G.L.s. That means they have the implements and facilities for cooking, preparing, and serving food for strangers and travelers and the rooms, beds, and bedding for the lodging of guests. Chapter 140 §6 cross references with Chapter 138 §12 Common Victualler and Innholders Alcoholic Beverages on premises licenses.

Currently, we do not have an all alcoholic beverages Innholder's license in our fee schedule. I am adding it under Bylaw 13-699 in anticipation of The Residence Inn applying for the license.

I did a survey using our comparable communities and also some of our neighboring communities to determine the fee. I took the average of the eight communities which was \$3,000. I have attached the survey.



Sponsor: Administration

**TOWN OF FRANKLIN**  
**BYLAW AMENDMENT 13-699**

**AMENDMENT OF SERVICE FEES:**  
**Administration: Alcoholic Beverages License**

**A BY-LAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN, BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:**

**Chapter 82 of the Code of the Town of Franklin, Appendix A, "List of Service Fee Rates" is hereby amended as attached (add underlined text, delete struck).**

**This By-Law amendment shall become effective according to the Town of Franklin Home Rule Charter.**

**DATED: \_\_\_\_\_, 2013**

**A True Record Attest:**

**Deborah L. Pellegri**  
**Town Clerk**

**VOTED:**

**UNANIMOUS \_\_\_\_\_**  
**YES \_\_\_\_\_ NO \_\_\_\_\_**  
**ABSTAIN \_\_\_\_\_**  
**ABSENT \_\_\_\_\_**

\_\_\_\_\_  
**Judith Pond Pfeffer, Clerk**  
**Franklin Town Council**

APPENDIX A  
LIST OF SERVICE FEE RATES

DEPARTMENT	FEE	FY 01 RATE	<u>FY 2013</u>	Service CATEGORY
ADMINISTRATION	CLUB/WINE & MALT	\$ 750.00		MINIMUM
ADMINISTRATION	LIQUEURS & CORDIALS	\$ 900.00		MINIMUM
ADMINISTRATION	PACKAGE - WINE/MALT	\$ 1,500.00		MINIMUM
ADMINISTRATION	COMM VICT - WINE & MALT	\$ 1,500.00		MINIMUM
ADMINISTRATION	CLUB/ALL ALCOHOL	\$ 1,750.00		MINIMUM
ADMINISTRATION	PACKAGE - ALL ALCOHOL	\$ 2,500.00		MINIMUM
ADMINISTRATION	COMM VICT - ALL ALCOHOL	\$ 2,500.00		MINIMUM
<u>ADMINISTRATION</u>	<u>INNOLDERS - ALL ALCOHOLIC BEVERAGES</u>		<u>\$ 3,000.00</u>	<u>MINIMUM</u>
ADMINISTRATION	MINIMUM (ONE DAY ALL ALCOHOL/WINE & MALT)	\$ 75.00		FULL COST
ADMINISTRATION	ALCOHOL INNHOLDER/ROOMS ONLY	\$ 1,300.00		MINIMUM

