



FRANKLIN TOWN COUNCIL

April 3, 2013

7:00 PM

A. APPROVAL OF MINUTES - March 6, 2013

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

F. HEARINGS

G. LICENSE TRANSACTIONS

H. PRESENTATIONS/DISCUSSIONS

I. SUBCOMMITTEE REPORTS

J. LEGISLATION FOR ACTION

1. *Resolution 13-21: Acceptance of Real Estate Payment Agreement Between Town and Franklin Community Cable Access, Inc., RE: Property at 23 Hutchinson Street*
2. *Resolution 13-22: Long Range Financial Planning Process*
3. *Resolution 13-23: Appropriation: Town Clerk, Poll Workers, Expenses*
4. *Zoning Bylaw Amendment 13-706: Changes to Chapter 185-5. Zoning Map, Adult Use Overlay District – Referral to Planning Board*
5. *Zoning Bylaw Amendment 13-707: Changes to Chapter 185-47. Adult Entertainment Establishment Districts – Referral to Planning Board*
6. *Zoning Bylaw Amendment 13-708: Changes to Chapter 185-3. Definitions – Referral to Planning Board*
7. *Zoning Bylaw Amendment 13-709: Changes to Chapter 185-4. Districts Enumerated – Referral to Planning Board*
8. *Zoning Bylaw Amendment 13-710: Changes to Chapter 185-5. Zoning Map, Medical Marijuana Use Overlay District – Referral to Planning Board*
9. *Zoning Bylaw Amendment 13-711: Changes to Chapter 185-7. Compliance Required – Referral to Planning Board*
10. *Zoning Bylaw Amendment 13-712: Changes to Chapter 185-49. Medical Marijuana Use Overlay District – Referral to Planning Board*

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
March 6, 2013**

A meeting of the Town Council was held on Wednesday, March 6, 2013 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present; Andrew Bissanti, Robert Dellorco, Glenn Jones, Matt Kelly, Thomas Mercer (Remote Participation), 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. Chairman Vallee explained all votes would be conducted by “roll call” as there was one council member who was attending the meeting remotely.

APPROVAL OF MINUTES: *February 6, 2013 Regular Session.* **MOTION** by Councilor Jones to move the minutes **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.**

ANNOUNCEMENTS: Chairman Vallee announced the meeting was recorded by Franklin TV and available for viewing on Comcast Channel 11 and Verizon Channel 29. Franklin Matters may also have recorded the meeting. Chairman Vallee reminded everyone of the Primary Election on Tuesday April 30th with the Main Election scheduled for Tuesday June 25th.

PROCLAMATIONS/RECOGNITIONS: NONE.

CITIZEN COMMENTS: NONE.

APPOINTMENTS: NONE. **HEARINGS:** NONE.

LICENSE TRANSACTIONS: NONE.

PRESENTATIONS/DISCUSSIONS: *Chief of Police, Stephan Semerjian* provided the Council with a brief history of the department, highlighting the training the department engages in and the recently awarded “America’s Safest City 201 Award” by NeighborhoodWatch.com. Chief Semerjian shared several slides which included pictures of the Department’s Motorcycle Unit & K-9 Unit, car accidents, contraband found in vehicles including drugs and weapons. In addition, there were several slides of police officers participating in community service projects such as DARE and Holiday Meals for Franklin Seniors. Councilor Dellorco pointed out several officers’ coach sports teams at Franklin High School. The councilors thanked Chief Semerjian for the remarkable job the Police Department performs.

Financing the New High School –Town Administrator Jeff Nutting provided an overview of a proposed change of financing for the New High School. Mr. Nutting said based on current information, the Town’s actual cost for the New High School will be less than originally projected. With this in mind, Mr. Nutting recommended borrowing \$44 Million Dollars this August with an interest rate of 3.65%. The Town originally borrowed \$47 Million Dollars with an interest rate of 4.25%. The reduced borrowed sum, and the reduced interest rate would save the average homeowner 20% over the life of the loan. The Council agreed the Town should proceed with the updated financing plan.

SUBCOMMITTEE REPORTS: NONE.

LEGISLATION FOR ACTION:

Resolution 13-08: Swahn Lane, A Private Way Acceptance of Covenant with Owner: Councilor Pfeffer read the resolution to authorize the Town Administrator to execute the covenant whereby the Swahn Lane roadway and related drainage would be the private property owner(s) exclusive obligation

to maintain and repair. **MOTION** by Councilor Jones to move Resolution 13-08 **SECONDED** by Councilor Powderly. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.**

Resolution 13-09: Transfer of Tax Title Possession Parcels to Different Municipal Purposes – As Amended: Councilor Powderly read the resolution to transfer the care, custody, management and control of Town's tax title possession parcels from the Town Administrator, as custodian, to another Town Board, Commission or Department for another specific municipal purpose. **MOTION** by Councilor Powderly to move Resolution 12-09 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting explained this is an annual event the Town undertakes. The staff reviews the Town's tax titles and identifies property that would be better suited for a specific department. Most of the properties identified in this resolution were recommended to go to the Conservation Commission. Councilor Pfeffer inquired about one parcel and why the parcel was not offered for sale to adjacent property owners. Mr. Nutting said the parcel in question is deemed wetlands and he did not believe the adjacent property owners would want to pay taxes on unusable land. The Council decided to amend the resolution to remove the parcel of land located on a paper street "Roosevelt Avenue". **MOTION** by Councilor Powderly to move Resolution 13-09 Amended striking Map Location #3 and request a presentation at a later date **SECONDED** by Councilor Jones. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.** **MOTION** by Councilor Powderly to move Resolution 13-09 As Amended **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.**

Resolution 13-10: Town of Franklin Net Metering Power Purchase Agreement Authorization: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.** **MOTION** by Councilor Jones to move Resolution 13-10 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained this resolution agreement allows an additional 4 Megawatts be added to the original 3 Megawatts for a total of 7 Megawatts as part of the Net Metering Power Purchase Agreement. Once the facility is completed, the town will buy approximately 75-80% of its school and municipal electricity saving the Town money and protecting the environment. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.**

Resolution 13-11: Authorization to Expend Funds in Excess of Available Appropriations: Councilor Pfeffer read the resolution to authorize the expenditure of funds in excess of the available appropriation for snow and ice removal upon approval by the Town Administrator. **MOTION** by Councilor Powderly to move Resolution 13-11 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting explained the resolution is precautionary. The Town has spent \$700,000 of its \$900,000 budget for snow/ice removal. The resolution would allow Mr. Nutting to go over the snow/ice removal budget if necessary. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.**

Bylaw Amendment 13-700: Chapter 82, Amendment of Service Fees - Solid Waste and Recycling – 1st Reading: Councilor Pfeffer read the bylaw to amend the List of Service Fee Rates. **MOTION** by Councilor Jones to move Bylaw Amendment 13-700 to a 2nd Reading **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained the necessity to increase the fee for a Trash Cart by \$8.00. The current trash system has reduced the overall cost of trash removal, however the cost of disposal and collection contracts increase by approximately 3% per year. Councilor Powderly noted the

current trash fees are less than the previous system. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting reported DPW Director Robert Cantoreggi had recently completed a roads maintenance class. ► Mr. Nutting said the Library would be offering new programs beginning in March and April. Program information will be announced on Facebook as well as the Town’s website. Mr. Nutting was pleased to announce the Town received a waiver from the Board of Library Commissioners releasing the Town from allocating over \$900,000 to the Library’s budget. ► Mr. Nutting reported he had received a thank you letter and a \$900 check from the Pakistani men the Town recently hosted. ► Mr. Nutting thanked the DPW for their work during the blizzard. Mr. Nutting said he had received several thank you notes from citizens who were pleased with DPW’s snow removal efforts. ► Mr. Nutting announced the budget would be available by week’s end. The budget will have “level service” with no layoffs and no program changes. The Finance Committee has scheduled Budget Hearings on March 13, March 14 and March 28th. ► Mr. Nutting requested a Downtown Project update be added to the Council’s April 3rd Meeting Agenda. ► Assistant to Town Administrator Maxine Kinhart invited citizens to attend a Public Hearing to review plans for the DelCarte Recreation area. The Public Hearing will be held on Tuesday March 12th at 6:30PM in the Third Floor Training Room.

OLD BUSINESS: ► Councilor Jones inquired about a future meeting with National Grid. Mr. Nutting and Councilor Roy stated the last meeting was productive and National Grid’s response to the last storm was much improved.

NEW BUSINESS: ► Councilor Roy requested the Franklin Housing Authority attend an upcoming meeting to provide the Council with an update. Councilor Roy suggested the Council begin to think about the potential impact a Milford casino would have on Franklin. ► Councilor Bissanti said he recently attended a Community Preservation Act Meeting where he learned about some of the programs available to towns. ► Chairman Vallee inquired about the condition of railroad property located in the Union and Cottage Street vicinity. Chairman Vallee said he would like to see the property cleaned up. Mr. Nutting said the property is owned by CSX and past efforts to have the property fenced or sold to the Town have been unsuccessful. Mr. Nutting offered to look into having something done with the property.

COUNCILOR COMMENTS: ► Councilor Powderly wished the Franklin High Schools Girl’s Varsity Basketball Team good luck this weekend. ► Councilor Jones announced Davis Thayer’s fundraiser; “Lets Bake for The Kids Auction” will take place at the Adirondack Athletic Club on March 9th at 6:00PM. ► Councilor Bissanti spoke about his recent experience reading to a third grade class at Davis Thayer Elementary School.

ADJOURN: MOTION by Councilor Powderly to adjourn **SECONDED** by Councilor Jones. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.** Meeting adjourned at 8:18PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary

LEGISLATION

FOR

ACTION



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 13-21

**ACCEPTANCE OF REAL ESTATE PAYMENT AGREEMENT
BETWEEN TOWN AND FRANKLIN COMMUNITY CABLE ACCESS, INC., RE:
PROPERTY AT 23 HUTCHINSON STREET**

WHEREAS, Franklin Community Cable Access, Inc. (hereinafter: "FCCA") has recently purchased the land, building, and improvements located at 23 Hutchinson Street for use as a PEG cable access facility/studio, and

WHEREAS, FCCA is a duly-organized, non-profit corporation and its proposed occupancy and use of the property renders it exempt from real estate taxes pursuant to G.L. Chapter 59, Section 5, and

WHEREAS, FCCA is willing to make payments to Town in lieu of real estate taxes to offset Town's ongoing expenses in providing municipal services to the property and has executed an agreement entitled "Real Estate Tax Payment Agreement, re: Property at 23 Hutchinson Street", a true copy of which is attached hereto as "Exhibit 1".

NOW THEREFORE, the Franklin Town Council does hereby accept the "Real Estate Tax Payment Agreement, re: Property at 23 Hutchinson Street", with Franklin Community Cable Access, Inc., a copy of which is attached hereto as "Exhibit 1" on behalf of the Town of Franklin and authorizes the Town Administrator to execute the agreement on Town's behalf.

This Resolution shall become effective according to the rules and regulations of the Town of Franklin Home Rule Charter.

DATED: April 3, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

**Deborah L. Pellegrini
Town Clerk**

ABSENT _____

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

EXHIBIT 1

**Real Estate Tax Payment Agreement, re:
Property at 23 Hutchinson Street**

AGREEMENT made this 1 day of MARCH, 2013 by and between Franklin Community Cable Access, Inc., a duly-organized Massachusetts non-profit corporation (hereinafter: "FCCA") and the Town of Franklin, a duly-organized municipal corporation acting by and through its Town Administrator, duly-authorized (hereinafter: "Town"):

WHEREAS, FCCA is in the process of purchasing land, building, and improvements located at 23 Hutchinson Street, Franklin and shown on Franklin Assessors Map 287 as Parcel 63 (hereinafter: "Property") for use as a PEG cable access facility/studio, and

WHEREAS, Property is located in a S.F. IV Zoning District which does not permit this use unless it qualifies as an exempt education use, as provided in G.L. Chapter 40A, Section 3, and

WHEREAS, Town is willing to agree that FCCA's proposed use of Property qualifies as an exempt education use as long as FCCA makes payments in lieu of real estate taxes to Town to offset Town's ongoing expenses in providing municipal services to the property,

NOW, THEREFORE, in consideration of the foregoing factual recitals, FCCA and Town AGREE as follows:

1. FCCA shall make annual payments in lieu of taxes of four thousand dollars (\$4,000) to Town of Franklin, each annual payment to be made on or before July 1, commencing with fiscal year 2014 which begins July 1, 2013 and continuing for ten (10) years thereafter, the last payment being July 1, 2022 for fiscal year 2023.
2. FCCA's payment obligations are subject to its continuing to receive combined annual payments from Town's cable providers of at least four hundred, seventy-five thousand dollars; in the event that the annual payments fall below said amount, FCCA and Town shall agree upon a corresponding reduction in FCCA's payment obligations to Town under this agreement.
3. In the event of FCCA's failure to make any annual payment when due, the unpaid amount shall bear interest at the rate applied to unpaid real estate taxes, any unpaid amount shall constitute a lien against parcel, and FCCA shall be liable to Town for all costs of collection.

IN WITNESS WHEREOF, Franklin Community Cable Access, Inc. and Town of Franklin have each caused this agreement to be executed on its behalf by its duly-authorized representative on the above-stated date.

Franklin Community Cable Access, Inc.

Town of Franklin, By:

By:

William K. Namm PRESIDENT

Name

Title

Jeffrey D. Nutting, Town Administrator

CERTIFICATE OF VOTE

At a duly-noticed meeting of the Board of Directors of Franklin Community Cable Access, Inc. held on March 25, 2013 at 6:30 PM at 23 Hutchinson St. Franklin, MA, the following action was taken:

Voted: that the Corporation make payment(s) in lieu of real estate and personal property taxes to the Town of Franklin in the amount of \$4,000 per year for ten years and that the President be authorized to execute a PILOT agreement on the corporation's behalf. Vote 6-0-1

In witness where of, I have caused the Corporate Seal to be attached hereto this 25th day of March 2013.



John G. Hill 3/25/2013
Clerk of the Corporation



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 13-22

Long Range Financial Planning Process

WHEREAS, In 2009 the Town Council voted to endorse the Five Year Financial Forecast of the Long Range Financial Planning Committee; and

WHEREAS, the Long Range Financial Planning Committee has updated the forecast and made recommendations to formalize the financial planning process; and

WHEREAS, The Joint Budget Sub-committee recommends the following:

- A five year fiscal forecast shall be the responsibility of the Town Administrator.
- The forecast shall include recommendations for specific action items.
- The forecast shall be updated annually by January 1 of each year.
- The Plan shall be submitted to the Finance Committee, School Committee and the Town Council for review.
- The report shall be made accessible to residents.

NOW THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL accepts the recommendations of the Joint Budget Sub-committee and directs the Town Administrator to follow the recommendations to issue the first annual report.

This Resolution shall become effective according to the rules and regulations of the Town of Franklin Home Rule Charter.

DATED:

A True Record Attest:

Deborah L. Pellegrini
Town Clerk

VOTED:

UNANIMOUS _____
YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council



TOWN OF FRANKLIN

RESOLUTION NO.: 13-23

APPROPRIATION: Town Clerk

Poll Workers	01164100-512025	\$9,000
Expenses	01164200-5xxxxx	\$3,400

AMOUNT REQUESTED: \$ 12,400

PURPOSE: Pay costs associated with two special elections

FINANCE COMMITTEE ACTION

Meeting Date: 03/28/13 Vote: 6-0

Recommended Amount: \$ 12,400

Source of Funding: Free Cash

Comment:

MOTION: Be It Moved and Voted by the Town Council that the sum of Twelve thousand, four hundred dollars (\$12,400.00) be transferred from Free Cash to the Town Clerk's Poll Workers and Expenses Budgets to provide funds to pay costs associated with two special elections.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

YES _____ NO _____

ABSTAIN _____

ABSENT _____

A True Record Attest:

**Deborah L. Pellegrini
Town Clerk**

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

TOWN OF FRANKLIN
REQUEST FOR FUNDS
FISCAL 2013

DATE: 03/25/13

DEPARTMENT/COMMITTEE: Town Clerk

BUDGET: Expenses

ACCOUNT NO. & NAME:	01164100-512025 Poll Workers	9,000.00
	01164200-5xxxxx Expenses	3,400.00

BALANCES: (To be filled in by Town Comptroller)

BUDGET \$ 30,862.00

AS OF _____

BALANCE \$ 21,115.00

AS OF _____

AMOUNT REQUESTED \$ 12,400.00

REASON: to pay for two special elections

SOURCE OF FUNDING:
Free Cash 12,400.00

SIGNATURE: _____
Department Head

RECOMMENDATION OF TOWN ADMINISTRATOR

_____ RECOMMENDED AMOUNT \$ 12,400.00

_____ NOT RECOMMENDED

DATE: March 25, 2013

TOWN ADMINISTRATOR

ACTION OF FINANCE COMMITTEE

DATE OF MEETING: 3/28 NUMBER PRESENT: 6 VOTE: 6-0

_____ RESERVE FUND TRANSFER AMOUNT \$ _____

_____ REFERRED TO TOWN COUNCIL AMOUNT \$ _____

_____ NOT RECOMMENDED

FINANCE COMMITTEE CHAIR

AN EXECUTED COPY WILL BE RETURNED TO THE DEPARTMENT.

Request for funding for April 30th and June 25th Special State Elections							
	Poll Workers	Program	Advertising	Printing ballots	Supplies	Food	Totals
Special Primary	\$ 4,500.00	\$ 500.00	\$ 100.00	\$ -	\$ 100.00	\$ 400.00	\$ 5,600.00
Special Senate Election	\$ 4,500.00	\$ 500.00	\$ 100.00	\$ -	\$ 100.00	\$ 400.00	\$ 5,600.00
Equipment							\$ 1,200.00
Total for both elections							\$12,400.00
Note: The State will pay for all the ballots.							
Respectfully submitted,							
Deborah L. Pellegrini, Town Clerk							
Election Administrator							

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

TO: TOWN COUNCIL
FROM: BETH DAHLSTROM, TOWN PLANNER
**RE: MEDICAL MARIJUANA USE OVERLAY DISTRICT &
ADULT USE OVERLAY DISTRICT REVISIONS**
**CC: JEFF NUTTING, TOWN ADMINISTRATOR, PLANNING BOARD, DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT**
DATE: MARCH 28, 2013

At their March 13, 2013 meeting, the Economic Development Committee voted to support the creation of a Medical Marijuana Use Overlay District in response to approval of Question 3 at the November 6, 2012 State Referendum by the voters of the Town of Franklin. Five zoning bylaw amendments are necessary to create the Medical Marijuana Use Overlay District.

Attached are the following zoning bylaw amendments for review and consideration:

- 13-708: §185-3, Definitions
- 13-709: §185-4, Districts Enumerated: Medical Marijuana Use Overlay District
- 13-710: §185-5, Zoning Map: Medical Marijuana Use Overlay District
- 13-711: §185-7, Compliance Required: Use Regulation Schedule
- 13-712: §185-49: Addition of Medical Marijuana Use Overlay District

Also attached for your review and consideration are two zoning bylaw amendments making corrections to Chapter 185-47, Adult Entertainment Establishment District, and the area in which the overlay district is defined on the zoning map.

Attached are the following zoning bylaw amendments for review and consideration:

- 13-706: §185-5, Zoning Map: Adult Use Overlay District
- 13-707: §185-47: Adult Entertainment Establishment Districts

The Department of Planning and Community Development is requesting the Town Council refer the above zoning bylaw amendments to the Planning Board for a Public Hearing. I will be available at the Town Council meeting on April 3, 2013 should you have any questions regarding the attached bylaws.

TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 13-706
ADULT USE OVERLAY DISTRICT

Changes to § 185-5 Zoning Map

**A ZONING BY-LAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN
AT CHAPTER 185, SECTION 5, ZONING MAP, RE: ADULT USE OVERLAY
DISTRICT:**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by making
the following amendments to §185-5. Zoning Map:

That the Zoning Map of the Town of Franklin be amended by modifying the overlay
zoning district known as the Adult Use Overlay District. This overlay zoning district shall
consist of: 1. parcels of land zoned industrial, located south or west of the sideline of
Interstate 495; and 2. not located less than 200 feet from a residential zoning district,
school, library, church, child-care facility, park, playground, any establishment licensed
under the provisions of MGL c. 138, § 12, or another adult entertainment establishment.
The 200 feet shall be measured from all property lines of the proposed use.

This District is delineated on the map entitled “Adult Use Overlay Districts” and created
under 185-4 Districts Enumerated.

The foregoing Zoning By-law amendment shall take effect in accordance with the
Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2013

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

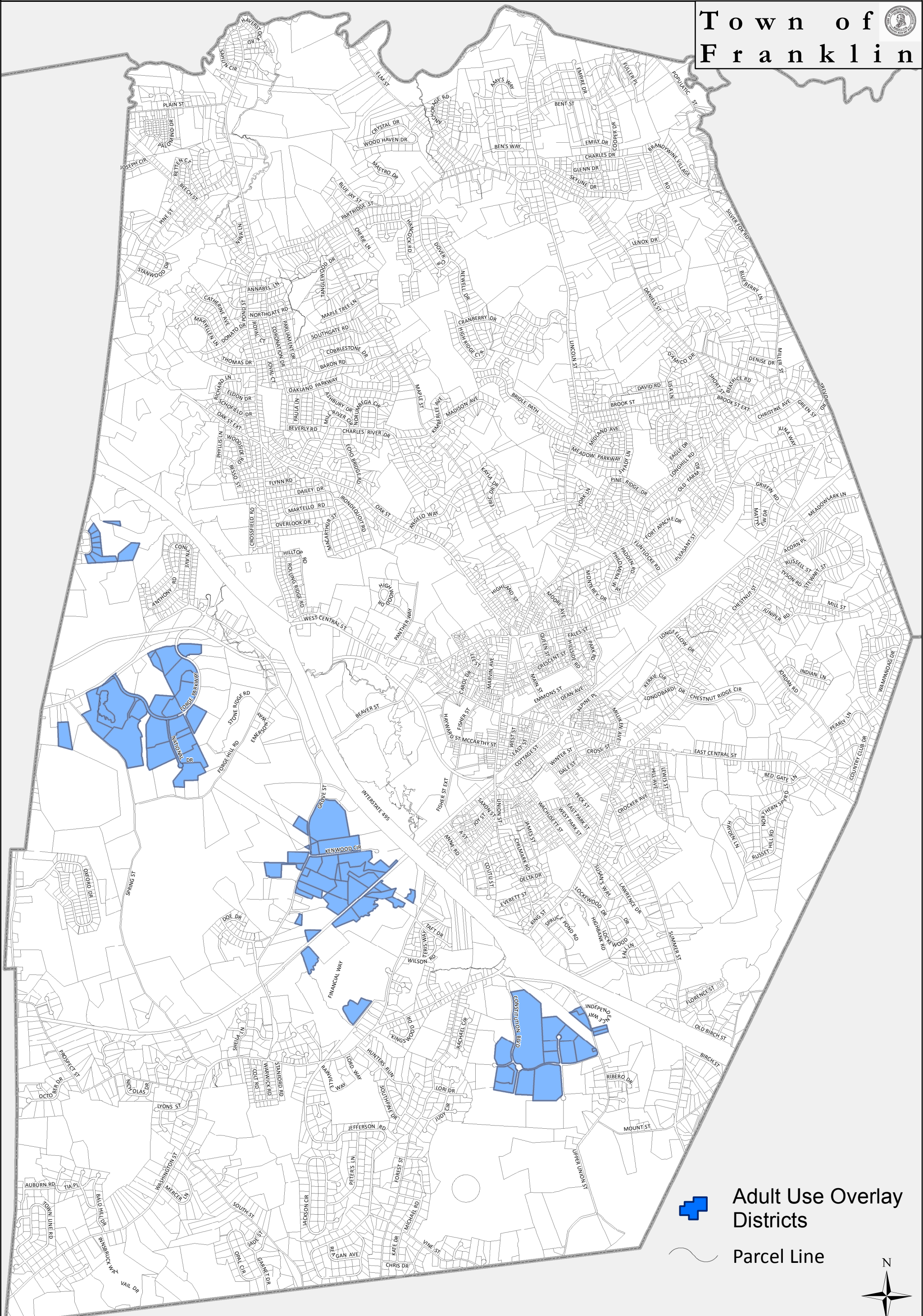
Deborah L. Pellegri
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk

ADULT USE OVERLAY DISTRICTS

Town of
Franklin



Adult Use Overlay
Districts

Parcel Line



SPONSOR:

*Department of Planning
and Community Development*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 13-707
ADULT ENTERTAINMENT ESTABLISHMENT DISTRICTS
A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, SECTION 47.**

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 in its place the following text at §185-47. Adult entertainment establishment districts:

§185-47. Adult entertainment establishment districts.

1. Purpose and intent.

It has been documented in numerous other towns and cities throughout the Commonwealth of Massachusetts and elsewhere in the United States that adult entertainment establishments are distinguishable from other business uses and that the location of adult entertainment uses degrades the quality of life in the areas of a community where they are located. Studies have shown secondary impacts such as increased levels of crime, decreased tax base and blight resulting from the clustering and concentration of adult entertainment uses. Late-night noise and traffic also increase due to the late hours of operation of many of these establishments. This section is enacted pursuant to MGL c. 40A, § 9 and the Home Rule Amendment to the Massachusetts Constitution with the purpose and intent of regulating and limiting the location of adult entertainment establishments (as defined herein) so as to prevent the secondary effects associated with these establishments, and to protect the health, safety and general welfare of the present and future inhabitants of the Town of Franklin.

The provisions of this §185-47 have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the intent or effect of this §185-47 to restrict or deny access by adults to sexually oriented matter or materials protected by the Constitution of the United States or of the Commonwealth of Massachusetts, nor restrict nor deny rights that distributors or exhibitors of such matter or materials may have to sell, distribute or exhibit such matter or materials. Nor is it the intent or effect of this §185-47 to legalize the distribution of obscene matter or materials.

2. Applicability.

This §185-47 applies to all adult entertainment establishments, as defined in MGL c. 40A, §9A.

3. Establishment of Adult Use Overlay District and relationship to underlying districts.
 - ~~a. The Adult Uses Overlay Districts are established as districts which overlay the underlying districts, so that any parcel of land lying in an Adult Use Overlay District shall also lie in one or more of the other zoning districts in which it was previously classified, as provided for in this Zoning Bylaw.~~
 - a. Adult use overlay district consists of those parcels of land zoned industrial, located south or west of the sideline of Interstate 495. This District is delineated on the map entitled "Adult Use Overlay Districts" and created under 185-4 Districts Enumerated.
 - b. The Adult Uses Overlay Districts are established as districts which overlay the underlying districts, so that any parcel of land lying in an Adult Use Overlay District shall also lie in one or more of the other zoning districts in which it was previously classified, as provided for in this Zoning Bylaw.
 - ~~b. An area of land may be placed within an Adult Uses Overlay District by vote of at least two-thirds of all members of the Town Council.~~
4. Permitted uses.

All uses permissible and as regulated within the underlying district.
5. Special permit uses.

The following uses shall require a special permit from the Planning Board:

 - a. Adult bookstore.
 - b. Adult video store.
 - c. Adult paraphernalia store.
 - d. Adult motion-picture theater.
 - e. Adult live entertainment establishment.

These uses shall be known as "adult entertainment establishments."
6. Special permit submittal requirements.

In addition to the submittal requirements for site plan approval as detailed in §185-31, and special permit submittal requirements as detailed in § 185-45, special permit applications for approval under this § 185-47 shall contain the following additional information:

 - a. Name and address of the legal owner of the establishment.
 - b. The total number of employees.
 - c. Proposed security precautions.
 - d. The external and internal physical layout of the premises.
 - e. Full description of the intended nature of the business.

7. Special permit standards for adult uses.

No special permit may be granted by the Planning Board for an adult bookstore, adult video store, adult paraphernalia store, adult motion-picture theater or adult live entertainment establishment (adult entertainment establishments) unless the following conditions are satisfied:

a. Location conditions: [Amended 8-6-2008 by Bylaw Amendment 08-616]

No adult entertainment establishment may be located less than 200 feet from a residential zoning district, school, library, church, child-care facility, park, playground, any establishment licensed under the provisions of MGL c. 138, § 12, or another adult entertainment establishment. The 200 feet shall be measured from all property lines of the proposed use.

b. Display conditions:

No signs, graphics, pictures, publications, videotapes, movies, covers or other implements, items or advertising, that fall within the definition of Adult Bookstore, Adult Video Store, Adult Paraphernalia Store, Adult Motion-Picture Theater or Adult Live Entertainment Establishment merchandise shall be displayed in the windows of, or on the building of, any Adult Entertainment Establishment, or be visible to the public from the pedestrian sidewalks or walkways or from other areas, public or semipublic, outside such establishments.

c. Screening.

All building openings, entries and windows shall be screened in such a manner as to prevent visual access of the public to the interior of the Adult Entertainment Establishment.

d. Additional setbacks.

The proposed use and all associated advertising signs shall not be located within 50 feet of a public or private way and must be set back a minimum of 50 linear feet from all property lines.

e. Applicant conditions.

No special permit shall be issued to any person convicted of violating the provisions of MGL c. 119, § 63, or MGL c. 272, § 28.

8. Conditions of approval.

a. A special permit issued under this § 185-47 shall lapse upon any one of the following occurrences:

- 1) There is a change in the location of the adult use;
- 2) There is a sale, transfer or assignment of the business or the license;
- 3) There is any change in ownership or management of the applicant.

b. Any special permit granted under this section shall lapse in accordance with the reasons for the same under § 185-31.

9. Severability.

If any section or portion of this section is ruled invalid, such ruling shall not affect the validity of the remainder of the section.

The foregoing Zoning By-law amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2013

A True Record Attest:

Deborah L. Pellegrini
Town Clerk

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk

Sponsor: *Department of Planning and
Community Development*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 13-708**

Changes to §185-3. Definitions

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

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by the following additions, added into §185-3 Definitions in alphabetical order:

MEDICAL MARIJUANA TESTING FACILITY – a research and testing facility licensed or otherwise approved by Commonwealth of Massachusetts Department of Public Health.

MEDICAL MARIJUANA TREATMENT CENTER – as defined in the Session Laws of The Commonwealth of Massachusetts Chapter 369 of the Acts of 2012.

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

DATED: _____, 2013

A True Record Attest:

Deborah L. Pellegrini
Town Clerk

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 13-709
DISTRICTS ENUMERATED
Changes to § 185-4 Districts Enumerated**

**A ZONING BY-LAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN
AT CHAPTER 185, SECTION 4, DISTRICTS ENUMERATED, RE: MEDICAL
MARIJUANA USE OVERLAY DISTRICT**

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 §185-4. Districts Enumerated:

- B. ~~In addition, there are seven overlay districts: the Flood Hazard District as established in § 185-24, the Water Resource District as established in § 185-40, the Wireless Communications Services District as established in § 185-44, the Biotechnology Use District as established in § 185-42, the Adult Use Overlay District as established in § 185-47, the Senior Village Overlay District as established in § 185-48, and the Sign District Map established in § 185-20.~~
- B. In addition, there are eight overlay districts: the Flood Hazards District as established in §185-24, the Water Resource District as established in §185-40, the Wireless Communications Services District as established in §185-44, the Biotechnology Use Overlay District as established in §185-42, the Adult Use Overlay District as established in §185-47, the Senior Village Overlay District as established in §185-48, the Sign District Map as established in §185-20 and the Medical Marijuana Use Overlay District as established in §185-49.

The foregoing Zoning By-law amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

**Deborah L. Pellegrini
Town Clerk**

ABSENT _____

Judith Pond Pfeffer, Clerk

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 13-710

MEDICAL MARIJUANA USE OVERLAY DISTRICT

Changes to § 185-5 Zoning Map

**A ZONING BY-LAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN
AT CHAPTER 185 SECTION 5, ZONING MAP, RE: MEDICAL MARIJUANA
USE OVERLAY DISTRICT.**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by making
the following amendments to §185-5. Zoning Map:

That the Zoning Map of the Town of Franklin be amended by creating an overlay zoning
district to be know as the Medical Marijuana Use Overlay District. The Medical
Marijuana Use Overlay District shall consist of those parcels of land zoned industrial that
are located south or west of the sideline of Interstate 495; and which are not within 200
feet of a residential zoning district, school, library, church, child-care facility, park, and
playground. The 200 feet shall be measured from all property lines of the proposed use.

This District is delineated on the map entitled “Medical Marijuana Use Overlay District”
and created under 185-4 Districts Enumerated.

The foregoing Zoning By-law amendment shall take effect in accordance with the
Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2013

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

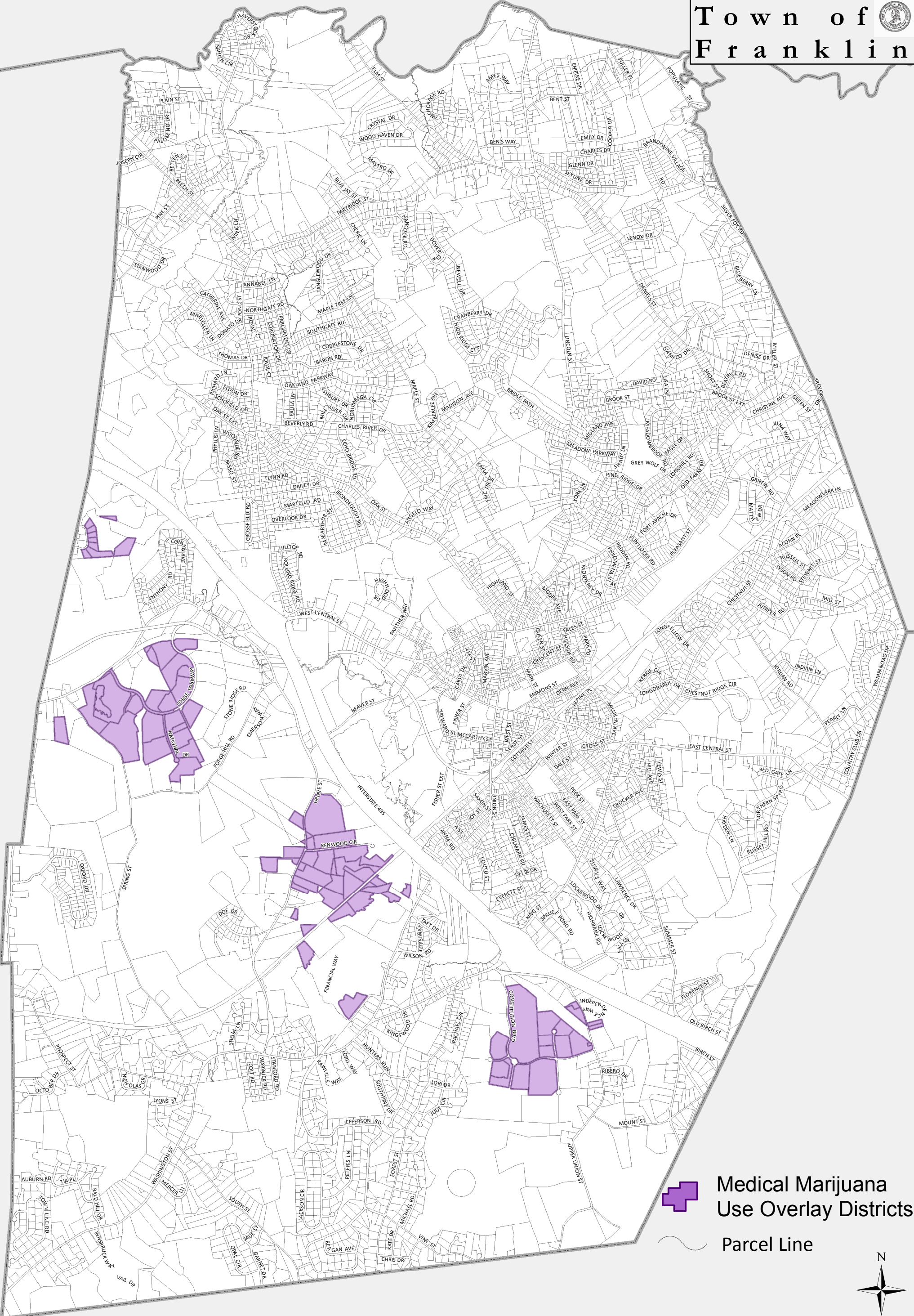
Deborah L. Pellegri
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk

MEDICAL MARIJUANA USE OVERLAY DISTRICTS

Town of
Franklin



Sponsor: *Department of Planning and
Community Development*

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 13-711

Changes to §185-7 Compliance required.

**A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 7 OF THE CODE OF
THE TOWN OF FRANKLIN**

Note: Within this section, changes are shown in **Bold** type and appear as additions (**xvz**) and as deletions (~~xyz~~). This is to retain the readability of the document.

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by the following additions and deletions to §185-7. Compliance required:

TOWN OF FRANKLIN
USE REGULATIONS SCHEDULE

PART IV

[Amended 3-25-1987 by Bylaw Amendment 87-91; 1-11-1999 by Bylaw Amendment 98-397-R; 7-11-2001 by Bylaw Amendment 01-468;
10-2-2002 by Bylaw Amendment 02-507; 6-11-2003 by Bylaw Amendment 03-511]

Symbols in the Use Regulations Schedule shall mean the following:

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.

Principal Uses	RRII RVI	SFRIII	SFRIV	GRV	NC	CI	CII	DC	B	I	LI	O
4. Institutional												
4.1 Cemetery	Y	Y	Y	N	N	N	N	N	N	N	N	N
4.2 Hospital	N	N	N	N	N	N	PB	N	PB	PB	N	N
a. <u>Medical Marijuana Treatment Facility</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y⁴</u>	<u>N</u>	<u>N</u>
b. <u>Medical Marijuana Testing Facility</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y⁴</u>	<u>N</u>	<u>N</u>
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	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	N ³	N	N ³
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 ²	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

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. Medical Marijuana Treatment Facilities and Testing Facilities are permitted in portions of the Industrial Zone which are in the Medical Marijuana Use Overlay District, see §185-49.

The foregoing Zoning By-law amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Deborah L. Pellegri
Town Clerk

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk

SPONSOR:

*Department of Planning and
Community Development*

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 13-712

MEDICAL MARIJUANA USE OVERLAY DISTRICT

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, SECTION 49.**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by adding the following text at §185-49. Medical marijuana use overlay district:

§185-49. Medical marijuana use overlay district.

A. Purpose and Intent.

1. This section is adopted with the purpose and intent of establishing zoning to allow the use of medical marijuana treatment centers and medical marijuana testing facilities in the Town of Franklin.

B. Applicability.

1. This §185-49 applies to all medical marijuana uses as defined in the Session Laws of The Commonwealth of Massachusetts Chapter 369 of the Acts of 2012 and medical marijuana testing facilities as regulated within this section and defined in §185-3.
2. No action taken under the enforcement powers of this chapter shall be in contradiction to the provisions of Chapter 369 of the Acts of 2012 as adopted or amended.

C. Establishment of medical marijuana use overlay districts and relationship to underlying districts.

1. The medical marijuana use districts are established as districts which overlay the underlying districts, so that any parcel of land underlying in an medical marijuana use district shall also lie in one or more of the other zoning district in which it was previously classified, as provided for in this Zoning Bylaw.

D. Permitted uses.

1. Uses allowed by right. The following uses are allowed as of right within medical marijuana districts:

- (a) All uses permitted as of right in the underlying base zoning district.
- (b) Medical Marijuana Treatment Facility.
- (c) Medical Marijuana Testing Facility.

E. Location.

1. The medical marijuana use overlay district consists of those parcels of land zoned industrial that are located south or west of the sideline of Interstate 495; and which are not within 200 feet of a residential zoning district, school, library, church, child-care facility, park, and playground. The 200 feet shall be measured from all property lines of the proposed use.
2. This District is delineated on the map entitled "Medical Marijuana Use Overlay District" and created under 185-4 Districts Enumerated.

F. Severability

If any of this section or portion of this section is ruled invalid, such ruling shall not affect the validity of the remainder of the section.

The foregoing Zoning By-law amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2013

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

ABSTAIN _____

Deborah L. Pellegri
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk