



FRANKLIN TOWN COUNCIL

January 18, 2012

7:00 PM

A. APPROVAL OF MINUTES

B. ANNOUNCEMENTS - *This meeting is being recorded by Verizon, Comcast, and Franklin Matters*

C. PROCLAMATIONS/RECOGNITIONS

D. CITIZEN COMMENTS

E. APPOINTMENTS

F. HEARINGS

G. LICENSE TRANSACTIONS

H. PRESENTATIONS/DISCUSSIONS – *Discussion of Remote Participation*

I. SUBCOMMITTEE REPORTS

J. LEGISLATION FOR ACTION

1. *Resolution 12-03: Master Plan Committee*
2. *Resolution 12-04: Creation of A Citizen Committee*
3. *Zoning Bylaw Amendment 12-669: Amendment to Chapter 185-45 Administration and Enforcement - Referral to Planning Board*
4. *Zoning Bylaw Amendment 12-670: Amendment to Chapter 185-3. Definitions – Referral to Planning Board*
5. *Zoning Bylaw Amendment 12-671: Amendment to Chapter 185-4. Districts Enumerated – Referral to Planning Board*
6. *Zoning Bylaw Amendment 12-672: Amendment to Chapter 185-20. Signs – 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

PRESENTATIONS
AND
DISCUSSIONS

OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

DATE: January 12, 2012
TO: Town Council
FROM: Jeffrey D. Nutting, Town Administrator
RE: Discussion of Remote Participation

After reviewing the guidelines, I continue to believe that any decision on this matter should be put on hold for the foreseeable future for several reasons.

First - I do not think we need to be the first community in the Commonwealth to implement a new policy. Sometimes waiting awhile helps us learn how other communities deal with new regulations.

Second - When citizens volunteer to be on a committee, they make a good faith effort to be at meetings. Sometimes work, family and other obligations do not allow them to attend every meeting. We have been able to hold meetings and continue to make decisions over the years, even when member(s) of the Council were absent. Sometimes the meeting went forward with as few as six members; sometimes the chairperson postponed an agenda item at the request of a member or members. I believe that being at a meeting when citizens want to be heard on an issue, seeing their faces, and listening to the tone of their voice is much different than being on a conference call and trying to have a full appreciation of all that takes place during a face-to-face meeting.

Third - If there are technical problems, you have to hold up the meeting until it is resolved. Further, if there were two or three members absent and they all wanted to participate, I think it may cause a little confusion.

We have over 25 committees and various subcommittees that meet at various times and locations, including the Library, the Housing Authority Community Building, Senior Center, the Old Municipal Building, and at least four locations in the Municipal Building. I estimate the cost for the installation of the technology at \$3,000- \$5,000.

I think if we wait to see how the new regulations unfold, we will be in a better position to determine if it would be in the best interest of our citizens.

.10: Remote Participation

(1) Preamble. Remote participation may be permitted subject to the following procedures and restrictions. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. By promulgating these regulations, the Attorney General hopes to promote greater participation in government. Members of public bodies have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of the Open Meeting Law, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

(2) Adoption of Remote Participation. Remote participation in meetings of public bodies is not permitted unless the practice has been adopted as follows:

(a) Local Public Bodies. The Chief Executive Officer, as defined in M.G.L. c. 4, sec. 7, must authorize or, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that authorization or vote applying to all subsequent meetings of all local public bodies in that municipality.

(b) Regional or District Public Bodies. The regional or district public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(c) Regional School Districts. The regional school district committee must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(d) County Public Bodies. The county commissioners must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of all county public bodies in that county.

(e) State Public Bodies. The state public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(f) Retirement Boards. A retirement board created pursuant to M.G.L. c. 32, sec. 20 or M.G.L. c. 34B, § 19 must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(3) Revocation of Remote Participation. Any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) may revoke that adoption in the same manner.

(4) Minimum Requirements for Remote Participation.

- (a) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other;
- (b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c. 30A, sec 20(d);
- (c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, sec. 23D.

(5) Permissible Reasons for Remote Participation. If remote participation has been adopted in accordance with 940 CMR 29.10(2), a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), if the chair or, in the chair's absence, the person chairing the meeting, determines that one or more of the following factors makes the member's physical attendance unreasonably difficult:

- (a) Personal illness;
- (b) Personal disability;
- (c) Emergency;
- (d) Military service; or
- (e) Geographic distance.

(6) Technology.

(a) The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted.

Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.

- (i) telephone, internet, or satellite enabled audio or video conferencing;
- (ii) any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) The public body shall determine which of the acceptable methods may be used by its members.

(d) The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

(e) The amount and source of payment for any costs associated with remote participation shall be determined by the applicable adopting entity identified in 940 CMR 29.10(2).

(7) Procedures for Remote Participation.

(a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

(b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. This information shall also be recorded in the meeting minutes.

(c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

(d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

(e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, sec. 22.

(8) Effect on Bylaws or Policies. These regulations do not prohibit any municipality or public body from adopting bylaws or policies that prohibit or further restrict the use of remote participation by public bodies within its jurisdiction.

(9) Remedy for Violation. If the Attorney General determines, after investigation, that 940 CMR 29.10 has been violated, the Attorney General may resolve the investigation by ordering the public body to temporarily or permanently discontinue its use of remote participation.

Legislation for Action



TOWN OF FRANKLIN

RESOLUTION 12-03

Master Plan Committee

WHEREAS, the Town Council wishes to have the 1997 Master Plan Updated; and

WHEREAS, the Town has appointed 13 members to serve on a Master Plan Committee; and

NOW THEREFORE, BE IT RESOLVED BY THE FRANKLIN TOWN COUNCIL THAT:

1. A Master Plan Committee is established.
2. Said Master Plan Committee shall:
 - a. review the current Master Plan and existing planning documents and data
 - b. identify the key issues for the Town of Franklin
 - c. recommend goals and objectives to the Planning Board and Town Council related to Franklin's future
 - d. assist in the identification of existing conditions and conduct trend analysis
 - e. develop an action plan for the Town of Franklin
4. Said committee shall make a final report within 18 months.

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

DATED: _____, 2012

VOTED:

UNANIMOUS _____

YES _____ NO _____

ABSTAIN _____

ABSENT _____

A True Record Attest:

Deborah L. Pellegri
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council



TOWN OF FRANKLIN

RESOLUTION 12-04

CREATION OF A CITIZEN COMMITTEE

WHEREAS, the Town Council continues to explore ways of making improvements to our community; and

WHEREAS, the Town Council would like participation by the citizens to provide valuable input.

Now therefore, be it resolved by the Franklin Town Council that a Citizen Committee is established. Said committee shall consist of 5 to 9 members to be appointed by the Town Council. Said committee shall make recommendations to the Town council on how to improve the quality of life for the citizens of Franklin in areas including but not limited to enhancing citizen participation, aesthetics of the community, and business development, and other recommendations that the Council deems appropriate. Said committee shall make its recommendations by December, 2012.

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

DATED: _____, 2012

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

A True Record Attest:

ABSTAIN _____

ABSENT _____

Deborah L. Pellegrini
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

TO: JEFFREY NUTTING, TOWN ADMINISTRATOR
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: PROPOSED SIGN BYLAW
CC: TOWN COUNCIL
DATE: JANUARY 11, 2012

Why a New Bylaw?

During a zoning workshop with the Town Council, DPCD was asked to research the current sign bylaw and propose revisions; it became apparent to staff that revisions would not suffice, but rather a complete rewrite of the bylaw was warranted. DPCD along with the Technical Review Committee members (which includes members of the Town staff, i.e., Building Dept, DPCD, Engineering, Administration, etc.) met to discuss the format of the document as well as how best to address signs in residential, commercial, business and industrial areas in Franklin.

Format of Bylaw

Several meetings with the Technical Review team helped vet the final document which resulted in a more succinct Sign Bylaw (see Attachment E) with an easily readable schedule (Schedule of Signs Permitted per Sign District) of signs and their allowed uses. Another new feature of the proposed Sign Bylaw is the creation of four distinct Sign Districts (see Attachment C, map titled Town of Franklin Sign Districts). Each of the proposed sign districts have differing requirements for the size, height and quantity of signs that can be displayed within the district; these requirements are detailed on the newly created Schedule of Signs Permitted per Sign District.

Summary of Districts

Three non-residential sign districts and one residential sign district are proposed. Non-residential signage within the residential sign district will be permitted, but on a smaller scale. The three non-residential sign districts are the Downtown Commercial Sign District (DCD); the Commercial and Business Corridor Sign District (CBCD); and the Industrial and Office Park Sign District (IOPD). The one residential district is the Residential Sign District (RD). Each district is summarized below:

Downtown Commercial Sign District (DCD): The DCD contains all properties within the Downtown Commercial Zoning District. The DCD has the most restrictions of all the Sign Districts.

Commercial and Business Corridor Sign District (CBCD): The CBCD contains all properties within the Commercial I, Commercial II and Business Zoning Districts. These areas of Town will be permitted to have additional signs and larger signs than the number of signs and size of signs permitted within the DCD.

Industrial and Office Park Sign District (IOPD): The IOPD contains all parcels within Industrial or Office Zoning Districts. This sign district has the least restrictive sign requirements.

Residential Sign District (RD): The RD contains all properties within all Residential Zoning Districts. Within the residential district there are three divisions, residential, permitted non-residential uses and professional office or home occupation. Specific proposed sign requirements for these divisions can be found on the Schedule of Permitted Signs per District.

Changes from Previous Bylaw

Enforcement and Pre-existing Signs

The proposed Sign Bylaw now clearly defines the Building Commissioner as the entity who will permit all signs, oversee installation, ensure compliance and remove non-compliant signs, regulate their maintenance, and initiate penalties. Pre-existing signs are grandfathered unless they were being displayed in violation of the existing Sign Bylaw. Pre-existing signs will remain as such until a new sign is displayed or any modification to the existing signage is made, then it must conform to the new Sign Bylaw.

The proposed Bylaw also addresses many issues that the previous Bylaw left unaddressed. One such issue the Bylaw now clearly defines is the role and responsibilities of the Design Review Commission. In addition, the proposed Sign Bylaw now address a more defined process for appeal of Design Review Commission decisions or appeals of a decision issued by the Building Commissioner.

Temporary Signs

The current Sign Bylaw addresses several types of temporary signs and the extent to which they are allowed. The proposed Bylaw clearly prohibits most temporary signs except real estate signs, political signs and non-profits if displayed in Municipal sign displays located throughout the Town. New business owners would be permitted to display one temporary sign for up to 30 days during the opening of the business.

Going Forward

In addition to discussing the proposed bylaw rewrite with the Technical Review Committee multiple times, DPCD presented the proposed Sign Bylaw to the Design Review Commission and Franklin Downtown Partnership, and believes the attached documents are ready for presentation to Town Council for consideration at a meeting in the near future.

The following is a list of attachments for your reference:

- A. Current Sign Bylaw to Proposed Sign Bylaw Comparison
- B. Bylaw Amendment 12-671 - §185-4 Districts enumerated
- C. Bylaw Amendment 12-671 - §185-4 Districts enumerated: Sign Districts Map
- D. Bylaw Amendment 12-670 - §185-3 Definitions
- E. Bylaw Amendment 12-672 - §185-20 Signs

Please let me know if you have questions or require additional information.

Proposed Technical Review Committee Revision of the Sign Bylaw

At a previous workshop, the Town Council requested that the sign bylaw be revised. Since then several versions of the sign bylaw were drafted and reviewed through the Technical Review Committee. At one point the revised bylaw had become so large and cumbersome that a complete design change was initiated. The proposed sign bylaw has incorporated these design changes, including differing sign districts, a schedule of permitted signs by district and maintenance and enforcement regulations. The following is a synopsis of the proposed revisions.

Current Sign Bylaw	Proposed Sign Bylaw
General	General
The current bylaw treats the entire area of Franklin as one large sign district with only non-residential, and residential and temporary signs.	The proposed bylaw will create four different sign districts: The Downtown Commercial District (DCD); The Commercial - Business Corridor (CBD); The Industrial - Office Park District (IOPD); and The Residential District (RD). Each of these districts have differing requirements for sign regarding size and placement of signs within the district. See the Sign District Overlay Map for delineation of actual sign districts.
The current bylaw prohibits signs which move, flash, have traveling lights, is animated or have beacons or flashing devices that are part of, attached to or apart of the sign, as well as platform-mounted, frame-mounted or trailer-mounted signs.	The proposed bylaw prohibits all of the same signs as the current bylaw, but also prohibits non-residential inflatable signs or similar devices use in the promotion of a commercial entity or group of entities, Liquid Crystal Display (LCD) or Light Emitting Diode (LED) signs, flags other than the USA or State of Massachusetts and roof signs.
The current bylaw prohibits signs from projecting over a public way or public property without a permit from the Town Administrator.	Same as current Sign Bylaw.
The current bylaw regulates light spillage from signs.	Same as current Sign Bylaw.
The current bylaw references the Schedule of Lot, Area, Frontage, Yard and Height requirements to regulate sign height.	The proposed bylaw has height requirements based upon the sign district. See Schedule of Permitted Signs.
Temporary Signs	Temporary Signs
The current bylaw allows temporary signs such as sale or lease signs, subdivisions signs, political signs, construction signs, yard sale and fund-raising signs.	The proposed bylaw allows a new business to display a temporary sign for 30 days after opening. These signs shall not exceed 6 square feet in area and shall be attached to the building where the business is located.
The current bylaw regulates temporary signs such as the length of time a sign may be displayed (not erected sooner than 14 days before event or more than 1 week after event), size of signs (No more than 6 square feet in size) and number of signs (6 or less).	The proposed bylaw regulates temporary signs such as real estate signs for time of display and size (not displayed until property is for sale and removed 1 week after sale, and 6 square feet for residential and 12 square feet for non-residential), as well as signs for non-profit events (may be displayed in Town designated displays through town).
The current bylaw prohibits temporary signs that are illuminated or have moving parts.	The proposed bylaw prohibits temporary signs that are illuminated, are on or overhang Town property (including public right-of-ways), signs that show wear or tear, and signs that restrict public access or are deemed a safety hazard by the Building Commissioner
Permitted Residential Signs	Permitted Residential Signs
The current bylaw allows 1 sign no more than 2 square feet in size per family indicating the owner or occupant, or pertaining to a permitted accessory use; 1 sign no more than 9 square feet in size pertaining to a permitted building or use other than the dwelling or its accessory use; unlighted directional signs not more than 1 square foot in size.	Size of signs is regulated by the Schedule of Permitted Signs (see attached schedule).
Permitted Non-Residential Signs	Permitted Non-Residential Signs
The current bylaw allows signs attached to a building with an aggregate size of not more than 20% of building wall; freestanding signs no more than 60 square feet in size; total of all signs, either attached or freestanding, shall not exceed 2 square feet per foot of lot frontage.	Size of signs is regulated by the Schedule of Permitted Signs (see attached schedule).
Design Review	Design Review
The current bylaw requires that all signs, other than normal residential signs, shall be approved by the Design Review Commission prior to display.	The proposed bylaw requires that all signs shall be approved by the Design Review Commission prior to display.
Appeals	Appeals
The current bylaw allows Design Review Commission's decisions to be appealed to the ZBA.	The proposed bylaw allows both Design Review Commission's and Building Commissioner's decisions to be appealed to the ZBA.
Sign Maintenance	Sign Maintenance
The current bylaw does not regulate sign maintenance	The proposed bylaw allows the Building Commissioner to regulate sign maintenance
Enforcement	Enforcement
The current bylaw has no provision for enforcement	The proposed bylaw allows the Building Commissioner to enforce all aspects of the bylaw.



TOWN OF FRANKLIN

ZONING BYLAW AMENDMENT 12-669

CHAPTER 185-45, ADMINISTRATION AND ENFORCEMENT

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 185-45D(2)(a) and 185-45E(3).

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL that Chapter 185-45 of the Code of the Town of Franklin is amended by as follows:

Strike Section 185-45D(2)(a) in entirety:
and replace with:

~~(a) To hear and decide applications for special permits upon which the Board is empowered to act under this chapter. Special permits shall be granted by the Board of Appeals only upon its written determination that the proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site. The determination shall indicate consideration of each of the following:~~

- ~~(1) Social, economic or community needs which are served by the proposal.~~
- ~~(2) Traffic flow and safety.~~
- ~~(3) Adequacy of utilities and other public services.~~
- ~~(4) Neighborhood character and social structure.~~
- ~~(5) Qualities of the natural environment.~~
- ~~(6) Potential fiscal impact.~~

(a) To hear and decide applications for special permits upon which the Board is empowered to act under this chapter. Special permits shall be granted by the Board of Appeals only upon its written determination that the proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site. This determination shall be in addition to the following specific findings:

- (1) Proposed project addresses or is consistent with neighborhood or Town need.
- (2) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
- (3) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.
- (4) Neighborhood character and social structure will not be negatively impacted.
- (5) Project will not destroy or cause substantial damage to any environmentally-significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication, or compensatory measures are adequate.
- (6) Number, height, bulk, location and siting of building(s) and structure(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.
- (7) Water consumption and sewer use, taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.

Strike Section 185-45E(3) in entirety:
and replace with:

- ~~(3) Criteria. Special permits shall be granted by the special permit granting authority only upon its written determination that the proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site. The determination shall indicate consideration of each of the following:~~
- ~~(a) Social, economical or community needs which are served by the proposal.~~
 - ~~(b) Traffic flow and safety.~~
 - ~~(c) Adequacy of utilities and other public services.~~
 - ~~(d) Neighborhood character and social structure.~~

- ~~_____ (e) Qualities of the natural environment.~~
- ~~_____ (f) Potential fiscal impact.~~
- ~~_____ (g) Water consumption, taking into consideration current and projected
_____ future local water supply and demand.~~

(3) Findings. Special permits shall be granted by the special permit granting authority only upon its written determination that the proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site. This determination shall be in addition to the following specific findings:

- ~~_____ (a) Proposed project addresses or is consistent with
_____ neighborhood or Town need.~~
- ~~_____ (b) Vehicular traffic flow, access and parking and pedestrian
_____ safety are properly addressed.~~
- ~~_____ (c) Public roadways, drainage, utilities and other infrastructure
_____ are adequate or will be upgraded to accommodate
_____ development.~~
- ~~_____ (d) Neighborhood character and social structure will not be
_____ negatively impacted.~~
- ~~_____ (e) Project will not destroy or cause substantial damage to any
_____ environmentally-significant natural resource, habitat, or
_____ feature or, if it will, proposed mitigation, remediation,
_____ replication, or compensatory measures are adequate.~~
- ~~_____ (f) Number, height, bulk, location and siting of building(s) and
_____ structure(s) will not result in abutting properties being
_____ deprived of light or fresh air circulation or being exposed to
_____ flooding or subjected to excessive noise, odor, light,
_____ vibrations, or airborne particulates.~~
- ~~_____ (g) Water consumption and sewer use, taking into consideration
_____ current and projected future local water supply and demand
_____ and wastewater treatment capacity, will not be excessive.~~

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

Dated: January _____, 2012

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

Deborah L. Pellegrini
Town Clerk

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 12-670**

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:

Banner - A sign that is composed of lightweight material, including nylon, vinyl, cloth, canvas or similar fabric, but does not include an awning or canopy affixed to a building or a free-flying flag.

Billboard Sign – Any outdoor sign larger than sixty (60) square feet in size with information pertaining to businesses or services that are not directly related to the site where the structure is placed.

Canopy or Awning Sign – Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Commercial and Business Corridor Sign District – All properties in the Commercial I Zoning District, Commercial II Zoning District and Business Zoning District.

Directional Sign – Any sign which is necessary for the safety and direction of vehicular or pedestrian traffic.

Directory Sign – Any sign listing the name and location of the occupants of a site or building.

Downtown Commercial Sign District – All properties in the Downtown Commercial Zoning District.

Externally Illuminated Sign – Light that is projected from the outside of a sign.

Flag – A specific type of sign that is made from woven or non-woven material, displaying colors or an insignia, and meant to be attached by one edge.

Freestanding Sign – A sign not attached to a Building or any Structure other than its own support, supported by at least two (2) columns, uprights or braces, or upon the ground.

Industrial and Office Park Sign District – All properties in the Industrial Zoning District and Office Zoning District.

Inflatable Sign – A sign that is inflated, filled or holds air, compressed air or any other gas. This includes balloons, air filled socks or other devices made to be displayed with air assist.

Insignia – A graphic representation of a badge emblem or mark of rank or privilege, used as a common substitution for the above mentioned badge, emblem or mark.

Internally Illuminated Sign – Light that is projected from the inside of a sign.

Light Emitting Diode Sign – A sign that uses Light Emitting Diode (LED) technology to form or illuminate an image or text.

Liquid Crystal Display Sign – A sign that uses a Liquid Crystal Display (LCD) technology to form or illuminate an image or text.

Logo – A graphic image or text that has a Trademark, is Registered or is under a Copyright, and is used to advertise a specific product or entity.

Political Sign – A sign that advocates for or against a candidate for public office or a public policy, position or issue whether or not it is a subject of a ballot question.

Public Way – Any Town owned land or right-of-way, either by easement or agreement that is meant to convey vehicles or pedestrians.

Reader Board Sign – A sign that has manually changeable lettering. Within the Town of Franklin a Reader Board shall be constructed to have no more than three lines of lettering.

Real Estate Sign – A sign advertising the sale or lease of land, buildings or structures on said land.

Residential Sign District – All properties located in all Residential Zoning Districts.

Roof Sign – Any sign attached to or erected on the roof of a building.

Temporary Sign – A sign advertising a specific event, which is made from suitable materials to remain intact and readable given the weather conditions and the period of time that the sign is displayed. All Temporary signs are meant to be temporary and shall be regulated in kind, size and time of display by the sign by-law.

Window Sign - A sign displayed on or within the window of a Building, visible from outside the Building.

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: _____, 2012

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 12-671

Changes to §185-4 Districts enumerated.

**A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 4 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 and deletions to §185-4. Districts enumerated:

A. For the purpose of this chapter, the Town of Franklin is hereby divided into the following types of districts:

Rural Residential I (RRI)

Rural Residential II (RRII)

Single-Family Residential III (SFRIII)

Single-Family Residential IV (SFRIV)

General Residential V (GRV)

Residential VI (RVI)

Commercial I (CI)

Commercial II (CII)

Business (B)

Industrial (I)

Limited Industrial (LI) [Added 10-2-2002 by Bylaw Amendment 02-507]

Neighborhood Commercial (NC) [Added 6-11-2003 by Bylaw Amendment 03-511]

Office (O) [Added 7-11-2001 by Bylaw Amendment 01-467]

Downtown Commercial (DC) [Added 7-13-2011 by Bylaw Amendment 11-652]

B. In addition, there are ~~six~~ **seven** overlay districts: the Flood Hazard District as established in §185-24, the Water Resource District as established in § 185-40 [Added 5-12-1986 by Bylaw Amendment 86-65; amended 3-2-199 by Bylaw amendment 93-252], the Wireless Communications Services District as established in §185-44 [Added 10-16-1996 by Bylaw Amendment 96-319; amended 7-23-1997 by Bylaw Amendment 97-336], the Biotechnology Use District as established in §185-42 [Added 11-3-1993 by Bylaw Amendment 93-245; 7-9-2008 by Bylaw Amendment 08-618; 3-17-2010 by Bylaw Amendment 10-640, 1-04-2012 by

Bylaw Amendment 11-666, the Adult Use Overlay District as established in §185-47 [**Added 11-1-2000 by Bylaw Amendment 00-442**], the Senior Village Overlay District as established in §185-48 [**Added 5-2-2001 by Bylaw Amendment 01-461**], **and the Sign District Map established in §185-20 [Added x-xx-2012 by Bylaw Amendment 12-671]**.

- C. Intent of districts. The intent of the zoning districts is as follows: (Please refer to the Table of Use for specific uses as they relate to each zoning district.) [**Added 7-11-2001 by Bylaw Amendment 01-467**]
- (1) The Rural Residential Districts (RRI, RRII) are intended primarily for single-family residential uses in a rural and semi-rural environment. Agricultural uses are generally permitted. Generally, commercial and industrial uses are not permitted.
 - (2) The Single-Family Residential Districts (SFRIII, SFRIV) are intended primarily for single-family residential uses in a semi-rural and suburban environment. Two-family residential uses may be permitted in some areas. Generally commercial and industrial uses are not permitted; however, limited commercial uses may be permitted in some areas.
 - (3) The General Residential V District (GRV) is intended primarily for single-family and two-family residential uses in a suburban downtown environment. Multifamily and apartment uses may also be permitted. In addition, certain commercial uses may be permitted, but most nonresidential uses are not allowed.
 - (4) The Residential VI District (RVI) is intended primarily for multifamily and apartment residential uses in a suburban environment. Limited commercial uses may be permitted.
 - (5) The Commercial I District (CI) is intended primarily for office, retail, service, trade, restaurant, and other commercial uses in a downtown environment. Limited industrial uses may be permitted. Single-family, two-family and multifamily and apartment residential uses may also be allowed.
 - (6) The Commercial II District (CII) is intended primarily for office, retail, service, trade, restaurant, and other commercial uses and limited industrial uses in a suburban commercial environment. Single-family and two-family residential uses may also be permitted. [Amended 6-11-2003 by Bylaw Amendment 03-511]
 - (8) The Business District (B) is intended primarily for nonresidential uses such as office, retail, service, trade, restaurant, and other commercial uses with some limited industrial uses in a suburban commercial environment.
 - (9) The Office District (O) is intended primarily for office parks, business uses, limited commercial and light industrial uses. Industrial uses such as warehouse and manufacturing are not permitted except as an accessory use. Residential uses are not permitted.

- (10) The Industrial District (I) is intended primarily for light and medium industrial uses, warehouse and distribution uses, and business uses. Some commercial uses may be permitted but residential uses are not permitted.
- (11) The Limited Industrial District (LI) is intended primarily for light industrial service, trade and limited business uses. In addition, accessory office and retail uses may be permitted. Residential uses are not allowed. **[Added 10-2-2002 by Bylaw Amendment 02-507]**
- (12) The Neighborhood Commercial District (NC) is intended primarily for low-intensity commercial uses located in or within close proximity to primarily residential neighborhoods providing retail and personal services which serve the surrounding neighborhood. Industrial uses are not allowed. The District is further classified by its neighbor- and pedestrian-friendly design concepts including low luminescent lighting fixtures, visibly obscured parking areas, densely planted property borders, nonintrusive architecture and pedestrian scaled signage with external illumination. **[Added 6-11-2003 by Bylaw Amendment 03-511]**
- (13) The Downtown Commercial District (DC) is intended as a Mixed Use, Transit Oriented Commercial district which combines first floor commercial uses with upper floor office or multi-unit residential uses. An emphasis is placed on commercial uses like restaurants and retail that support an economically rich downtown environment. **[Added 7-13-2011 by Bylaw amendment 11-652]**

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: _____, 2012

VOTED:
UNANIMOUS _____

A True Record Attest:

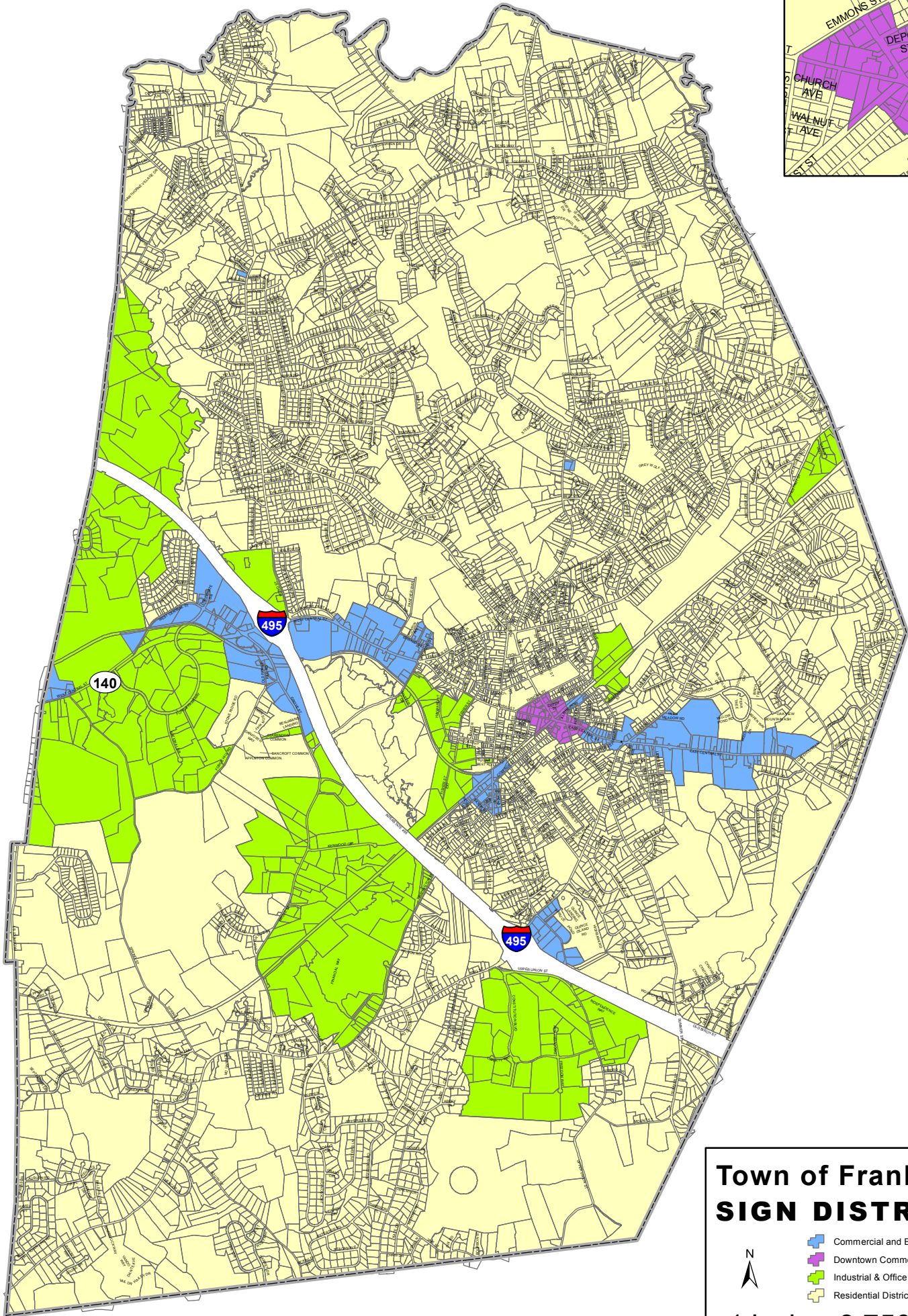
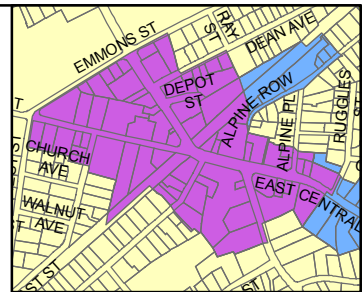
YES _____ **NO** _____

ABSTAIN _____

Deborah L. Pellegrini
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk



Town of Franklin 
SIGN DISTRICTS



-  Commercial and Business Corridor District
-  Downtown Commercial District
-  Industrial & Office Park District
-  Residential District

1 inch = 3,750 feet

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 12-672

Changes to §185-20 Signs.

**A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 20 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 deleting the entire section of §185-20 Signs and adding the following text:

§ 185-20 Signs.

A. Purpose

The purpose of this Bylaw is to provide for the reasonable regulation and control of billboards, signs, and other advertising devices within the Town of Franklin in order to protect and enhance the appearance of the Town, as well as the health, safety, and welfare of its residents, without unduly restricting the conduct of lawful enterprise.

B. Applicability

- (1) All externally visible signs not exempt under State law or under Section F, Exemption of this Bylaw, shall be in compliance with the regulation contained within this Bylaw.
- (2) Only Temporary Signs described by this Bylaw shall be permitted. All others Temporary Signs are not permitted (see Attachment 10, Schedule of Permitted Signs per Sign District).
- (3) This bylaw establishes four (4) separate sign districts with different regulations within each district (see Attachment 10, Schedule of Permitted Signs per Sign District). These districts are delineated on the map entitled Town of Franklin Sign Districts and created under 185-4 Districts enumerated.
 - (a) The Downtown Commercial District (hereafter DCD).
 - (b) The Commercial and Business Corridor District (hereafter CBCD).
 - (c) The Industrial and Office Park District (hereafter IOPD).
 - (d) The Residential District (hereafter RD).
- (4) Any preexisting sign that this bylaw makes nonconforming shall remain legally preexisting nonconforming until it is replaced because of a change in use. When changed, the sign must conform to this bylaw.

C. Permit Requirements

- (1) General: The Building Commissioner shall determine sign compliance with the requirements of this bylaw including but not limited to size, shape, construction, location, lighting, materials, number, condition and method of mounting or affixing to various surfaces.
- (2) Permits.
 - (a) All signs shall receive a permit from the Building Commissioner prior to installing or attaching any signs.
 - (b) There shall be a fee assessed for a sign permit as set forth in Chapter 82. – Franklin Town Code.
 - (c) A sign permit shall become null and void if the work for which the permit was issued has not been completed within a six (6) month period.
 - (d) The Building Commissioner may order immediate removal of any sign requiring a permit which has been erected without first obtaining such permit.
 - (e) All signs within the CBCD, DC, IOPD or RD are required by this Bylaw to obtain approval from the Design Review Commission prior to the issuance of a sign permit from the Building Commissioner. Procedures for obtaining Design Review Commission approval are defined in §185-31.(2) Design review.
- (3) Illumination
 - (a) Signs may be externally illuminated provided that there shall be no glare cast onto adjacent residential properties or in a manner to disrupt the movement of pedestrian or vehicular traffic.
 - (b) Signs may be internally illuminated in all sign districts other than the DCD and RD, provided that the background is dark in color and the letters are light in color, or there is an opaque shield between the light source and the sign panel that only allows the lettering area to be illuminated. Canopies or Awnings may also be internally illuminated. There shall be no glare or direct light reaching any adjacent residential properties or in a manner to disrupt the movement of pedestrian or vehicular traffic from an internally illuminated sign, canopy or awning.
- (4) Dimensional Requirements
 - (a) General
 - [1] The size of a sign consisting of individual letters or symbols attached to or painted on any type of surface, is the rectangular area that encloses all of the individual letters or symbols. This also includes Canopies and Awnings that have letters or logos as part or attached to them. In addition, any area of material or color

forming an integral part of the background of the display or which is used to differentiate the display from the backdrop shall be included in the total sign area calculation.

- [2] Only one side is counted in computing the area of a double-faced sign; however, not having a double-faced sign shall not allow the applicant to add additional square footage to the maximum square footage area allowed within the specific district that the sign is displayed.

(b) Free Standing Signs

- [1] The height of a freestanding sign is the vertical distance from the average finished grade of adjoining ground to the top of the highest attached component of the sign.
- [2] All freestanding signs shall be placed, based upon the Building Commissioner's determination in consultation with the Police Chief, at least ten (10) feet from the curb or edge of pavement when no curb is present. Within the DCD, if in the Building Commissioner and the Police Chief determination that a freestanding sign can be installed closer to the curb, they can, at their option, authorize the sign to be installed no less than a distance of five (5) feet from the curb. Criteria to be considered with regard to freestanding sign location include but are not limited to whether the sign blocks the view of oncoming vehicles or pedestrians, the width of the right-of-way and any conditions that may block the view of the sign.
- [3] Freestanding signs in the DCD, CBCD, IOPD may have a manually changeable reader board with no more than three (3) lines of text. Reader boards shall be the color of the sign or white, with black, red, blue or white block letters and numbers. Reader boards shall be included in calculating the freestanding sign maximum square footage area.
- [4] Freestanding signs shall be supported with two (2) uprights. No freestanding signs shall be wider than the distance between the uprights.
- [5] Freestanding signs are encouraged to be landscaped with selected flora, no more than two (2) feet above the average finished grade of adjoining ground. This requirement may be waived if the landscaping is determined to be a safety hazard based upon the Building Commissioner determination in consultation with the Police Chief. The criteria to be considered with regard to freestanding sign landscaping shall include but are not limited to whether the landscaping blocks the view of oncoming vehicles or pedestrians.

(c) Other

[1] Properties within the IOPD that are directly abutting or facing a residentially zoned district, shall have all signs reduced in size by fifty percent (50%).

[2] No sign shall over-hang a Public Way without prior written approval from the Town Administrator and proof of insurance as determined by the Town Administrator.

D. Temporary Signs

- (1) The following are requirements for temporary signs within the Town of Franklin unless otherwise regulated by this bylaw (see Attachment 10, Schedule of Permitted Signs per Sign District).
 - (a) Any new business is permitted to display a temporary sign for up to 30 days provided they have filed a complete application to the Design Review Commission.
 - (b) Temporary Signs shall be attached to the structure where the business is located.
 - (c) Temporary Signs shall be no more than six (6) sq.ft. in area.
 - (d) No temporary sign shall be internally or externally illuminated.
 - (e) No temporary signs shall be allowed within the Town right-of-way or on Town property unless prescribed by this Bylaw.
 - (f) All temporary signs shall be constructed with suitable materials to withstand the weather for the time period during which they are displayed. Any temporary sign that shows wear or tear shall be ordered removed by the Building Commissioner.
 - (g) No temporary sign shall be allowed that obstructs visibility, interferes with public access, or is otherwise determined to be a safety hazard by the Building Commissioner in consultation with the Police Chief.
- (2) The following is a list of temporary signs with special permitting requirements and/or time frames for their display within the Town of Franklin.
 - (a) Real estate for sale or lease signs shall be no larger than four (4) square feet in size for residential properties and twelve (12) square feet for all other properties. These signs cannot be displayed until the building or property is available for sale or lease and shall be removed within a week of the sale or lease. These signs do not have to be attached to a building.

- (b) Signs pertaining to non-profit events shall be permitted to be displayed at locations designated by the Town. All Signs must comply with Town display requirements and shall be permitted through the Building Commissioners Department. These will be allocated based upon the following criteria:
 - (1) Town Business
 - (2) School Business
 - (3) Town or School related Non-profit Business.
 - (4) All other Non-profit Business
- (3) Political signs shall not be subject to a time limit, except if the sign is for an election in which case the sign shall be removed within a week after the election. Political signs shall otherwise comply with the requirements for temporary signs contained in section D.(1)(c through g).

E. Prohibited Signs

- (1) Any signs having a part that moves or flashes, or signs of the traveling light or animated type, and all beacons and flashing devices, whether a part of, attached to or separate from a sign, are prohibited.
- (2) No Liquid Crystal Display or Light Emitting Diode signs are permitted within the Town of Franklin other than gas station signs displaying one (1) price and no more than sixteen (16) square feet in size.
- (3) Roof signs, billboard signs, inflatable signs or banners are prohibited.
- (4) No flags shall be allowed with the exception of those permitted in section F.(3).

F. Exemptions

- (1) Any sign permitted by the Building Commissioner as necessary for public safety or the public health.
- (2) Directional signs and directory signs bearing only property numbers, names of occupants or premises or other identification of premises, not exceeding one (1) square feet in area and having no commercial connotations.
- (3) Flags and insignia of the United States Government or the Commonwealth of Massachusetts, and historical date plaques or markers approved by the Historical Commission.
- (4) Legal notices, identification, informational or directional signs erected or required by government bodies.

G. Sign Maintenance

All signs shall be structurally sound and free from all hazards caused or resulting from decay or the failure of structural members, fixtures, lighting or appurtenances. All signs shall be maintained in readable and clean condition and the site of the sign shall be maintained free of weeds, debris and rubbish.

Owner's of signs that are determined to be a safety hazard by the Building Commissioner in consultation with the Police Chief shall be directed to correct the condition by the Building Commissioner. Failure to comply with the Building Commissioner's request will constitute an enforcement action.

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.

Attachment 10
Schedule of Permitted Signs per Sign District

	Downtown Commercial District	Commercial Business Corridor District	Industrial - Office Park District	Residential District
Wall Signs				
First Floor Storefront Facing Street	No more than 24 Sq.Ft. or 10% of Front Façade ¹	No more than 48 Sq.Ft. or 2 Sq.Ft. per Linear Ft of Frontage ¹	No more than 60 Sq.Ft.	No more than 15 Sq.Ft. for a business with a Special Permit or Variance No more than 10 Sq.Ft. for Home Occupation or Professional Office All others no more than 3 Sq.Ft.
First Floor Storefront Facing Street Corner	No more than 36 Sq.Ft. or 15% of 1 Facade Divided into 2 ¹	No more than 64 Sq.Ft. Divided into 2 Signs	No more than 90 Sq.Ft. Divided into 2 Signs	No more than 23 Sq.Ft. divided into 2 Signs for a business with Special Permit or All others not permitted
Upper Floors Facing Street	Not Permitted	No more than 6 Sq.Ft.	Not Permitted	Not Permitted
Freestanding Signs				
Single or Multiple Entity	No more than 40 Sq.Ft. and No More Than 14 Ft. High	No more than 60 Sq.Ft. and No More Than 20 Ft. High	No more than 60 Sq.Ft. and No More Than 25 Ft. High	No more than 20 Sq.Ft. and No more than 6 Ft. high for a business with Special Permit or Variance All Others Not Permitted
Window Signs				
First Floor Facing Street	No more than 6 Sq.Ft. or 10% of Window Surface ¹	No more than 6 Sq.Ft. or 10% of Window Surface ¹	No more than 6 Sq.Ft. or 10% of Window Surface ¹	Not Permitted
Upper Floors Facing Street	No more than 4 Sq.Ft. or 10% of Window Surface ¹	No more than 20% of Window Surface	No more than 20% of Window Surface	Not Permitted
Door Sign	No more than 2 Sq.Ft.	No more than 2 Sq.Ft.	No more than 2 Sq.Ft.	No more than 2 Sq.Ft.
Reader Boards				
Attached to Freestanding Sign	Manual with no more than 3 Lines of Text	Manual with no more than 3 Lines of Text	Manual with no more than 3 Lines of Text	Not Permitted
Awning or Canopy Signs				
First Floor	No more than 10 Sq.Ft. of Signage	No more than 10 Sq.Ft. of Signage	No more than 10 Sq.Ft. of Signage	No more than 10 Sq.Ft. of Signage
Upper Floors	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Off-Site Signs				
Freestanding or Wall	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Temporary Signs				
Non-Profits and Charities	Check for Availability of Town Display	Check for Availability of Town Display	Check for Availability of Town Display	Check for Availability of Town Display
All Other Temporary Signs	See §185-20.(D)	See §185-20.(D)	See §185-20.(D)	See §185-20.(D)
Public Use and Safety Signs				
All Sign Types	Permitted	Permitted	Permitted	Permitted
Political Signs				
Signs Expressing a Political Opinion	No more than 16 Sq.Ft.	No more than 16 Sq.Ft.	No more than 16 Sq.Ft.	No more than 16 Sq.Ft.
Signs Promoting a Candidate or Issue	No more than 16 Sq.Ft. Displayed for no more than 7 Days After Vote	No more than 16 Sq.Ft. Displayed for no more than 7 Days After Vote	No more than 16 Sq.Ft. Displayed for no more than 7 Days After Vote	No more than 16 Sq.Ft. Displayed for no more than 7 Days After Vote

¹Whichever is Smaller

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: _____, 2012

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Deborah L. Pellegri
Town Clerk

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk