

Chapter 185. Zoning

Article V. Special Regulations

§ 185-31. Site plan and design review.

[Amended 5-12-1986 by Bylaw Amendment 86-65; 3-20-1996 by Bylaw Amendment 96-308; 1-21-1998 by Bylaw Amendment 97-348; 1-21-1998 by Bylaw Amendment 97-349-R; 5-3-2000 by Bylaw Amendment 00-428; 8-6-2002 by Bylaw Amendment 02-499; 6-11-2003 by Bylaw Amendment 03-512; 1-4-2006 by Bylaw Amendment 05-582; 8-4-2010 by Bylaw Amendment 10-645; 2-6-2013 by Bylaw Amendment 12-695]

1. Site plan review.

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

B. Authority.

(1) General requirements.

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

(2) Exemptions.

(a) The Town of Franklin or any of its departments.

(b) Single-family and two-family dwellings.

(c) Religious and educational uses as defined in Massachusetts General Law Chapter 40A, Section 3, as to aesthetic considerations only.

(d) Any exterior addition, exterior alteration or exterior improvement to structures and/or land not greater than 600 square feet and not involving any substantial change in use as determined by the Zoning Enforcement Agent's interpretation of the Zoning Code Use Regulations Schedule.

(3) Reviewing board.

(a) The Planning Board shall conduct site plan review and limited site plan review, for all actions that are subject to the provisions of this section, and shall issue decisions.

C. Site plan approval.

- (1) Filing criteria. Any exterior addition, alteration or improvement to structures and/or land that does not qualify as a limited site plan modification (see § 185-31D, Limited site plan approval) or is not exempt under § 185-31.1B(2), Exemptions, shall require site plan approval.
- (2) Application submittal requirements. Applicants must submit the following information concurrently, to be considered a complete application for site plan review; incomplete applications may result in refusal of application.
 - (a) Eleven 24 x 36 inch, folded copies of the site plan along with six 11 x 17 reduced size copies of the site plan.
 - (b) One original. Form P site plan application and one copy.
 - (c) One original, notarized certificate of ownership and one copy.
 - (d) Certified list of abutters from Assessor's office.
 - [1] Projects under this section require a public hearing per § **185-45M**, Notice of public hearings.
 - (e) Filing fee. Fee submitted as calculated in Chapter **82**. Appendix A, of the Franklin Town Code, List of Service Fee Rates, Section I. Planning.
 - (f) If required, the applicant must submit an application for Design Review Commission per § 185-31.2, Design Review Commission, site plans, facades, landscape and lighting; § **185-45N**, Administration and enforcement, Design Review Commission; and § **185-20H**, Signs, Sign Approvals.
 - (g) The Planning Board may determine that a proposed project warrants the use of an outside consultant (e.g., civil engineer) per § **185-45L(1)**, Consultant review fees.
 - [1] If required, the applicant must send one copy of all submittal requirements to the requested outside consultant (e.g., civil engineer). Please contact the Department of Planning and Community Development for consultant contact information.
 - (h) Other. Additional materials as requested by Town staff and/or the Planning Board.
- (3) Drawing requirements. Plans subject to site plan review shall be prepared by a professional land surveyor and/or professional engineer as required: drawings must contain the appropriate professional stamp prior to submittal. Supplemental plans may be prepared by a professional architect or landscape architect. A site plan shall be prepared in compliance with the various requirements of Chapter **185** (Zoning) showing:
 - (a) Plans prepared at a scale between 1" = 20' and 1" = 50'.
 - (b) The plan name (if applicable), date of plan preparation, all revisions to plan and the nature of the revisions, North point, scale, legend, Assessor's map and parcel identification numbers and appropriate title information.
 - (c) The name and address of the following: the record owner, the applicant, professional land surveyor and/or professional engineer.
 - (d) A vicinity/locus map including the location and boundaries of the site, abutting land uses and zoning information (descriptive and technical data).
 - (e) Existing and proposed land and building uses.
 - (f) Existing topography and proposed grading for the entire site. This should include earth removal as defined in § **185-3**, Definitions.

- (g) An indication of wetlands or other areas potentially subject to the Wetlands and Rivers Protection Act.
 - (h) Areas included in any floodplain district and areas included in the Water Resource District.
 - (i) The location of any proposed structures, streets, ways, walls, hydrants, principal drives, fences, outdoor lighting, open space areas, recreation areas, egresses, service entries, loading facilities, facilities for waste disposal or storage, snow storage areas and parking with individual spaces identified.
 - (j) The location, size and sketch of all proposed signs.
 - (k) A landscaping plan showing existing vegetation, proposed vegetation and the distinction between proposed and retained vegetation. A note shall be placed on the plan that all plantings shall come from the Best Development Practices Guidebook.
 - (l) A photometric plan with sufficient illuminance values, to determine compliance with § 185-31.1C(4)(e), Site plan, Review criteria.
 - (m) Location and relevant details of proposed and existing water, drainage and sewerage systems in enough detail to determine if the applicant may be, upon request of the Planning Board, required to provide a stormwater report to ensure compliance with all federal and state requirements, including the Massachusetts Stormwater Management Standards, Town of Franklin's Subdivision of Land Stormwater Management Regulations, § **300-11** as applicable, Chapter **153**, Stormwater Management, of Franklin's Town Code, and the Town of Franklin Best Development Practices Guidebook.
[Amended 8-10-2016 by Bylaw Amendment 16-762]
 - (n) Sufficient data to determine compliance with the rules and regulations of the Architectural Barriers Board for handicapped parking, if applicable.
 - (o) A parking schedule showing the number of parking spaces required for the proposed use(s) as required by § **185-21**, Parking, loading and driveway requirements, versus the number of parking spaces actually being provided, if applicable.
 - (p) A table showing the requirements of Chapter **185**, Attachment 9: Schedule of Lot, Area, Frontage, Yard and Height Requirements, for the zoning district in which the property is located and how the proposed structure and/or uses will comply with the requirements.
 - (q) Materials required for design review as provided for in § 185-31.2, Design Review Commission, if applicable.
 - (r) Data quantifying on-site generation of noise and odors, if applicable.
 - (s) Description of traffic circulation, safety and capacity in sufficient enough detail for the Board to make a determination of whether a traffic impact analysis is necessary. If information is not sufficient, upon the request of the Planning Board, an applicant may be required to provide a comprehensive traffic study detailing the effects of the proposed development.
 - (t) Sight line information at proposed entrance/exit ways.
 - (u) Limit of work area, including proposed tree line.
 - (v) Plans should be prepared in consideration with policies set forth in the Best Development Practices Guidebook and the Design Review Commission Guidelines.
- (4) Review criteria. The Planning Board shall approve a site plan only upon its determination of the following:

- (a) Internal circulation, queuing, entrance and egress are such that traffic safety is protected and access via secondary streets servicing residential neighborhoods is minimized.
- (b) Reasonable use is made of building location, grading and vegetation to reduce visibility of structures, parking area, outside storage or other outdoor service areas (e.g., waste removal) from public views.
- (c) Adequate access to each structure for fire and service equipment is provided.
- (d) Utilities, drainage and fire-protection provisions serving the site provide functional service to each structure and paved area in the same manner as required for lots within a subdivision.
- (e) No site feature or activity shall create glare or illumination which extends beyond a site's property lines and creates a hazard or nuisance to neighboring property owners or on adjacent roadways. Lighting shall be designed to provide the minimum illumination necessary for the safety and security of the proposed activity. Lighting shall be designed such that the light source is shielded and the light is directed downward.
- (f) Proposed limit of work is reasonable and protects sensitive environmental and/or cultural resources. The site plan as designed will not cause substantial or irrevocable damage to the environment, which damage could be avoided or mitigated through an alternative development plan.
- (g) In accordance with the most recent Town of Franklin MS4 permit, the use of low-impact development and green infrastructure practices are encouraged and shall be incorporated into the site plan to the maximum extent feasible.

[Added 5-5-2021 by Bylaw Amendment 21-868^[1]]

[1] *Editor's Note: This bylaw amendment also redesignated former Subsection C(4)(g) as Subsection C(4)(h).*

- (h) All other requirements of the Zoning Bylaw are satisfied.

D. Limited site plan approval.

- (1) Filing criteria. Any exterior addition, alteration or improvement to structures and/or land that meets all of the following criteria:

- (a) Has previous site plan approval from the Planning Board, or was constructed prior to 1930, date of original Zoning Bylaw approval;

A site plan is considered to have been approved when one or more of the following criteria have been met:

[Added 8-10-2016 by Bylaw Amendment 16-764R]

- i. It can be demonstrated that a public hearing was held and that the Planning Board voted and approved the site plan.
 - ii. There exists a site plan bearing the endorsement by the Planning Board.
- (b) For any exterior addition, alteration or improvement to structures and/or land that would normally qualify as a limited site plan modification under § 185-31D, but does not because the existing property has never had a previously approved site plan, may be approved by the Planning Board without a full site plan, if the following criteria are met:

[Added 8-10-2016 by Bylaw Amendment 16-764R]

- i. A complete topographic survey for the entire site is prepared showing all existing structures, utilities, drainage, and grading.

- ii. The portion of the site to be altered or improved fully complies with all other requirements of § 185-31C, Site plan approval.
 - iii. Specific problem areas identified outside the portion of the site to be altered or improved must be addressed to the maximum extent practicable.
- (c) Results in the creation of no more than 15 additional parking spaces;
- (d) Results in the exterior addition, alteration or improvement to structures and/or land of no more than 5,000 square feet;
- (e) Results in an increase in impervious surface of no more than 10% of existing impervious coverage;
- (f) Does not alter the access to a public way;
- (g) Does not result in substantial change in use as determined by the Zoning Enforcement Agent; and
- (h) Does not require any additional relief from the Zoning Board of Appeals.
- (2) Application submittal requirements. Applicants must submit the following information concurrently, to be considered a complete application for limited site plan review; incomplete applications may result in refusal of application.
 - (a) Eleven 24 x 36 inch, folded copies of the site plan along with six, 11 x 17 reduced size copies of the site plan.
 - (b) One original, limited site plan application and one copy.
 - (c) One original, notarized, certificate of ownership and one copy.
 - (d) Filing fee. Fee submitted as calculated in Chapter **82**, Appendix A, of the Franklin Town Code, List of Service Fee Rates, Section I, Planning.
 - (e) If required, the applicant must submit an application for Design Review Commission per § 185-31.2, Design Review Commission, site plans, facades, landscape and lighting; § **185-45N**, Administration and enforcement, Design Review Commission; and § **185-20H**, Signs, Sign Approvals.
 - (f) Other. Additional materials as requested by Town staff and/or the Planning Board.
- (3) Drawing requirements. Plans subject to limited site plan review shall be prepared by a professional land surveyor and/or professional engineer as required: drawings must contain the appropriate professional stamp prior to submittal. Supplemental plans may be prepared by a professional architect or landscape architect. A limited site plan shall be prepared in compliance with the various requirements of Chapter **185** (Zoning) and at a minimum show the following:
 - (a) Plans prepared at a scale between 1" = 20' and 1" = 50'.
 - (b) The plan name (if applicable), date of plan preparation, all revisions to plan and the nature of the revisions. North point, scale, legend. Assessor's map and parcel identification numbers and appropriate title information.
 - (c) The name and address of the following: the record owner, the applicant, professional land surveyor and/or professional engineer.
 - (d) The location and boundaries of the site: vicinity map.
 - (e) Plan sets shall include previously approved site plan sheets necessary to show where changes will occur.

- (f) Existing and proposed land and building uses, including location of any proposed structures, streets, ways, walls, hydrants, principal drives, fences, outdoor lighting, open space areas, recreation areas, egresses, service entries, loading facilities, facilities for waste disposal or storage, snow storage areas and parking with individual spaces identified.
 - (g) The Planning Board may ask for plans to include drawing requirements as defined under § 185-31.1C(3), Site plan approval, Drawing requirements, upon the representation from technical staff or consultants that additional plans are needed in order to sufficiently review the limited site plan.
 - [1] Applicants are advised to ask technical staff for guidance on drawing requirements prior to plan submittals.
 - [2] Technical staff and/or consultants shall advise the Planning Board within a reasonable amount of time that additional plans are needed from an applicant for sufficient plan review.
 - (4) Review criteria. The Planning Board shall approve limited site plans only upon determination of the following:
 - (a) Site plan is consistent with § 185-31.1C(4), Site plan approval, Review criteria.
- E. Special permits.
 - (1) Where special permit(s) are required, a site plan or limited site plan must be submitted under one application for approval, with the special permit application.
 - (a) No separate site plan approval shall be issued for a special permit application(s), but rather a site plan shall be approved as part of a special permit approval.
 - (b) Accompanying site plans shall be submitted according to § 185-31.1C(3), Drawing requirements, while accompanying limited site plans shall be filed according to § 185-31.1D(3), Drawing requirements.
 - (2) Special permits shall be granted by the Planning Board as defined under § **185-45E** and **F**, Administration and enforcement.
- F. Notice to Town boards and other Town officials.
 - (1) The Planning Board shall notify the Design Review Commission, Fire Chief, Police Chief, Department of Public Works. Department of Planning and Community Development, Building Commissioner, Conservation Commission, and Board of Health of its public hearing schedule and in addition, may, in making its determination, request information or analysis from any of the departments, boards or commissions listed above.
- G. Public hearings.
 - (1) Public hearings shall be advertised and notice given pursuant to the requirements of § **185-45M**, Administration and enforcement, Notice of public hearings.
 - (a) Projects reviewed under § 185-31.1C, Site plan approval, and § 185-31.1E, Special permits, require a public hearing per § **185-45M**, Administration and enforcement, Notice of public hearings.
- H. Decisions.
 - (1) No decision shall be issued by the Planning Board until all other boards or commissions having jurisdiction over a proposed development have issued decisions if a board's or commission's decision is likely to impact the site plan/limited site plan being reviewed by the Planning Board. A board or commission may issue a letter to the Planning Board

indicating no adverse impact will occur if the Planning Board issues a decision prior to the other boards or commissions.

- (2) No building permit shall be issued until the final site plan has been endorsed by the Planning Board.
- (3) All required improvements specified in the Planning Board's final decision must commence within a one-year period and once commenced shall proceed continuously until completion as determined by the Planning Board, unless an extension is granted by the Board.

I. Penalties.

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

J. Certificate of completion.

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

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

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

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

B. Design Review Commission review requirements.

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

[Amended 12-17-2014 by Bylaw Amendment 14-744]

- Within Commercial I, Commercial II, Business Zoning Districts, Downtown Commercial or Office.
- Listed as a principal use in the Use Regulations Schedule, Part II, 2, Commercial, regardless of the underlying zoning district.
- Listed as a principal use in the Use Regulations Schedule, Part V, 5, Recreational, regardless of the underlying zoning district.
- Considered one of the following additional principal uses as listed in the Use Regulations Schedule:
 - Part III, 3, Industrial, utility, 3.1: Bus, railroad station.
 - Part III, 3, Industrial utility, 3.12: Conference center.
 - Part IV, 4, Institutional, 4.2: Hospital, 4.2.a: Medical marijuana treatment facility and 4.2.b: Medical marijuana testing facility.
 - Part IV, 4, Institutional, 4.3: Charitable institution.
 - Part IV, 4, Institution, 4.5: Library, museum, art gallery.
 - Part IV, 4, Institutional, 4.6: Lodge, social nonprofit.
 - Part VI, 6, Residential, 6.1: Multifamily or apartment.
 - Signs.

C. Application submittal requirements.

- (1) Applicants must submit the following information concurrently, to be considered a complete application for review before the Design Review Commission; incomplete applications may result in refusal of application.

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

the site or provide the required application for sign review for new signage under § 185-20H(2), Application submittal requirements.

- (2) Review criteria. The Design Review Commission shall consider, at a minimum, the following standards in the course of the design review of a proposed action:
- (a) Height. The height of any proposed alteration should be compatible with the style and character of the surrounding buildings, within zoning requirements.
 - (b) Proportions of windows and doors. The proportions and relationships between doors and windows should be compatible with the architectural style and character of the surrounding area.
 - (c) Relations of building masses and spaces. The relationship of a structure to the open space between it and adjoining structures should be compatible.
 - (d) Roof shape. The design and pitch of the roof should be compatible with that characteristic of New England architectural styles.
 - (e) Scale. The scale of the structure should be compatible with its architectural style and the character of the surrounding New England-style buildings.
 - (f) Facade line, shape and profile. Facades shall blend with other structures in the surrounding area with regard to the dominant vertical or horizontal context.
 - (g) Architectural details. Architectural details, including signs, materials, colors and textures, shall be treated so as to be compatible with New England architectural styles and to preserve and enhance the character of the surrounding area.
 - (h) Advertising features. The size, location, design color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of the proposed buildings and structures and the surrounding properties.
 - (i) Heritage. Removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practicable.
 - (j) Energy efficiency. To the maximum extent reasonably practicable, proposals shall utilize energy-efficient technology and renewable energy resources and shall adhere to the principles of energy-conscious design with regard to orientation, building materials, shading, landscaping and other elements.
 - (k) Landscape. The landscape should improve the character and appearance of the surrounding area, and parking areas should be located to the side or rear of buildings when reasonably possible.
 - (l) Design Review Commission shall also utilize the standards as set forth in the Design Review Commission Design Guidelines (Attachment 11, Zoning Bylaw).^[2]

[2] *Editor's Note: Attachment 11 is on file in the Planning and Town clerk's offices.*