

By Mr. Vallee of Franklin, petition of James E. Vallee and David P. Magnani (by vote of the town) for legislation to authorize the town of Franklin to establish an impact fee by-law. Local Affairs. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT RELATIVE TO IMPACT FEES FOR THE TOWN OF FRANKLIN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Purpose and Findings — The city of the Town of
2 Franklin is undergoing a period of substantial growth. This
3 growth has resulted on numerous dire and indirect impacts on the
4 city and its ability to adequately address those impacts due to its
5 influx of population. The city has experienced development
6 related impacts requiring capital improvements to school facili-
7 ties attended by children of new residents; accelerated deteriora-
8 tion in the level of service of its streets and roadways; increased
9 stress on city facilities and infrastructures such as water and
10 sewer lines; and an increased need for capital improvements to
11 its municipal buildings and recreational facilities. Development
12 related impacts must be paid for by fair share exactions from
13 developers so that the city can provide adequate services and
14 infrastructure to support future development.

1 SECTION 2. Establishment of an Impact Fee By-Law —
2 A) The Franklin Town Council may, by a general by-law,
3 require the payment of an impact fee as a condition of approval
4 of a development impact project plan, as defined by the by-law,
5 for any future development within the jurisdiction of this act. The
6 impact fee shall only be imposed on the construction, enlarging,
7 expansion, or substantial rehabilitation, of projects. The by-law
8 shall be used solely for the purposes of defraying the costs of

9 capital improvements caused by and necessary to support future
10 development such as, but not limited to the following; capital
11 improvements to school facilities, public facilities, roads,
12 drainage, sewers, water, public safety facilities, parks, play-
13 grounds and other recreational facilities.

14 B) The impacts fee by-law may be enacted of the following
15 criteria are met:

16 1) A rational nexus shall be established that shows the relation-
17 ship between the creation of new units and their impact on the
18 following services including, but not limited to school facilities,
19 public facilities, roads, drainage, sewers, water, public safety
20 facilities, parks, playgrounds and other recreational facilities.

21 2) The city shall develop and prepare a study that evaluates
22 existing capital improvement plans for public facilities. The study
23 shall analyze potential build-out in the city, the impacts of future
24 development and the need for public facility improvements as a
25 result of future development. Any impact fee which may be estab-
26 lished pursuant to this act shall be set in accordance with the
27 methodology set forth in the study.

28 3) The impact fee shall be established on the basis of the cost
29 projections in the capital improvement plans and study as
30 described in section 2(B) (2) and the expected level of develop-
31 ment.

32 4) The city shall have the authority to create a distinct and
33 separate account for each implant fee enacted by the city for the
34 services delineated in section 2(B)(1) in order to make improve-
35 ments made necessary by and resulting from future development.
36 Interest earned shall be credited to each impact fee account. No
37 expenditure shall be made from each impact fee account without
38 appropriation by the Franklin Town Council. No impact fee shall
39 be paid to the city's general treasury or used as general revenues
40 subject t.o the provisions of M.G.L. c. 44 §53.

41 5) The level of any impact fee shall be reviewed at least every
42 three (3) years and reset as required based upon the recommenda-
43 tion of the Town Administrator.

1 SECTION 3. This act shall take effect upon date of passage.