

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



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## PLANNING BOARD

### March 13, 2023 Meeting Minutes

Chair Gregory Rondeau called the above-captioned meeting held in the Town Council Chambers at 355 East Central Street, Franklin, MA, to order this date at 7:00 PM. The public had the option of attending the meeting live at the Town Hall, dialing into the meeting using the provided phone number, or participating by copying the provided link. Members in attendance: Gregory Rondeau, Chair; William David, Vice Chair; Beth Wierling, Clerk; Rick Power; Jennifer Williams; Jay Mello, associate member. Members absent: None. Also present: Amy Love, Town Planner.

#### 7:00 PM Commencement/General Business

Chair Rondeau reviewed the Zoom platform call-in phone number and the Zoom link which were provided on the meeting agenda. The meeting was audio and video recorded.

#### **A. Decision: Prospect Hill Definitive Subdivision**

Ms. Love stated that the Planning Board closed the public hearing on February 27, 2023. She reviewed that the following was provided in the Planning Board's meeting packet: 1. Draft decision that includes conditions from the judgement, 2. two waivers that will need to be voted, and 3. the court stipulation judgement.

*Motion to Approve the following waivers: 1. §300-10.B(4)(b) – Roads shall not provide access to undeveloped land in other towns. 2. §300-10.B(4)(d) – Roads right-of-way, including cul de sacs, will be setback at least 25-feet from Town lines, for Prospect Hill Definitive Subdivision. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).*

*Motion to Include the following conditions of approval: 1. Roadway will always remain private and be maintained by homeowners and Town of Franklin will never have any responsibility to maintain it. 2. To implement condition #1, Developer will execute a private road covenant with Town and establish a homeowners association, both documents to be recorded, for Prospect Hill Definitive Subdivision. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).*

*Motion to Approve the conditions and waivers for Prospect Hill Definitive Subdivision. Wierling. Second: Power. Vote: 5-0 (5-Yes; 0-No).*

#### 7:00 PM PUBLIC HEARING – Initial Zoning Amendment 23-889

Multi-Family Density

*Documents presented to the Planning Board are on file.*

*Motion to Waive the reading for Zoning Amendment 23-889, Multi-Family Density. Wierling. Second: David. Vote: 5-0 (5-Yes; 0-No).*

Ms. Love reviewed that this public hearing and the next public hearing coincide with each other. Ms. Wierling made a motion to waive the reading for the next hearing so the Planning Board could talk about both items at the same time.

***Motion to Waive the reading for Zoning Amendment 23-890, Inclusionary Zoning. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

Ms. Love discussed that the Department of Planning and Community Development has worked during the last several months to develop zoning bylaw amendments recommended in the Franklin for All zoning project and the Town's 2022 Housing Production Plan (HPP). Recent work, including the two subject zoning bylaw amendments, address the following: 1.) Housing density allowed within Commercial I (CI) and General Residential V (GRV) zoning districts, 2.) By-right multifamily housing, 3.) MBTA Communities requirements outlined in Section 3A of the Zoning Act, and 4.) Inclusionary Zoning. The proposed changes will create a baseline from which to address additional zoning changes including the possibility of adopting a 40R Smart Growth Overlay District and accessory dwelling units.

Ms. Love reviewed Zoning Bylaw Amendment 23-890, Inclusionary Zoning. She discussed that the zoning bylaw amendment adds a new section to the Town's Zoning Bylaw: §185-51 Inclusionary Zoning. Multifamily developments with 10 or more housing units will be required to have at least ten percent of the housing units available for rent (or purchase) by eligible individuals or households making less than 80 percent of the area wide median household income. Additional specifics are included in the documents in the meeting packet.

Ms. Love reviewed Zoning Bylaw Amendment 23-889, Multifamily Housing Density. She discussed that the proposed bylaw makes several small changes to Part VI of the Use Regulations tables. Most importantly, it allows multifamily housing in the CI and GRV zoning districts by-right, up to one unit per 2,250 sq. ft. of lot area, and it allows the developer to apply for additional density by special permit. The following wording is included in the Use Regulations table related to multifamily housing of four or more units in CI and GRV: No more than one dwelling unit per 2,250 sq. ft. of lot area may be permitted, additional dwelling units may be allowed by special permit from the Planning Board. Another important change was replacing one row in the Residential Use Regulations table with two rows, which define two types of multifamily housing: 6.1 Multifamily or Apartment a. with four or more housing units, b. with three housing units. Splitting the use into two allows a three-unit development to be allowed in certain districts where other larger multifamily developments are not. Additional specifics are included in the documents in the meeting packet. She stated that the Planning Board can recommend these zoning amendments as is, recommend with changes, or not recommend to the Town Council.

Planning Board members asked questions. Ms. Wierling stated that there were many meetings with the EDC. She confirmed current density in CI and GRV is 1,000 sq. ft. per unit and it is looking to be changed to 2,250 sq. ft. She stated that she has a hard time with 20 units per acre and feels it should stay with what was originally recommended by the Planning Department which was about 15 units per acre. She stated that there is a provision to allow for more units by special permit by the Planning Board. She stated that the Planning Board should have this option if it is going to be more than 15 units per acre. She stated that regarding inclusionary zoning, she thinks 10 units is pretty high and would like to see it a little lower, such as eight units. Mr. Power asked what if the Town does not conform with the MBTA requirements. Ms. Love stated that if we do not conform with them, we will not qualify for grants. She noted that in the last two years, the Town has received over \$6 million in grants and stated that we would not be able to apply for those grants. Mr. Power asked about the Franklin for All meetings and asked what was the general tone of the feedback. He asked if most of the public was in favor of these zoning changes. Ms. Love stated that the people definitely wanted less housing. Mr. Power said that so we are going ahead

as a Town and wanting more housing; it is a conflict. Mr. Rondeau stated that this is encouraging more housing but on a smaller scale per se. Ms. Williams asked if a decision needed to be made tonight.

Chair Rondeau stated that this is something the Town wants to move forward with, so a decision should be made by the next meeting. Ms. Love stated that this meeting could be continued, and if there are any questions that need to be answered, she can bring those answers to the next meeting. She stated that it was discussed heavily at the EDC and there has been a lot of back and forth with the plan itself.

Chair Rondeau stated that the Steering Committee consisted of Zoning Board of Appeals, Planning Board, and Town Council so there were a lot of different people involved and they came to a compromise. He stated that what we have in front of us is what we are hearing from everyone else and what the boards are looking for. He stated that he thinks that where we are is where we need to be. He explained that all the lots that come before the Planning Board will be irregularly shaped. Therefore, the sideline variances will close in the number of units. Ms. Williams discussed that every lot is different. Chair Rondeau asked if the Planning Board members were comfortable.

Mr. Mello confirmed that the ultimate decision for this is by the Town Council; the Planning Board is acting in an advisory capacity. He discussed that it would be a whole lot of grant money for us to lose. He asked if Ms. Love had a sense of what might be coming down from the state if we do not do this. Ms. Love stated that this meets the guidelines; she said that she cannot say that this change is going to get us there 100 percent as we are still working out the numbers. She stated that we have to comply by December 2024. She stated that this is a direction that the Town has wanted to go in for years and it does meet the model; these regulations would comply. Mr. Mello asked what else would happen to the Town besides loss of grant money if we did not comply. Ms. Wierling explained that the original proposal was 15 units per acre and this increases it to 20 units per acre. Chair Rondeau stated that he thinks this will help with the Master Plan.

Director of Planning and Community Development Brian Taberner (via Zoom) discussed MBTA compliance. He stated that it is true that we are supposed to have zoning in place within one-half mile of an MBTA station with a gross density of at least 15 units by right. He stated that the MAPC is working with the Town on the model. He stated that what we are proposing gets us in the right direction. He does not recommend a higher density allowed by right. He stated that he thinks this is good for developers as they know what they can get by right; if they want more, they can go to the Planning Board for a special permit. He stated that regarding inclusionary zoning, you do not need one until you get to the tenth housing unit. He explained that the version that is in front of the Planning Board tonight is a compromise in many ways; it gives us what we need for the MBTA Communities, and a developer does not have to go through the special permit process. He stated that it needs to be 15 per acre gross density meaning that you eliminate areas that are not developable and a variety of other things. He explained that these two zoning districts are not going to be all that we need to do to meet the MBTA requirements. This is giving us a good chunk of what is required, but we have to do more. He stated that downtown commercial is one of the zones that we need. He stated that we have to allow housing on the first floor in the downtown commercial zone for us to count that district which is something that I do not believe we should be allowed to. He stated that we do not want someone ripping down a block of downtown and putting up an apartment building with no commercial and no mixed use; it is bad planning. He stated that he did not want to overcomplicate tonight's meeting. He said that what we have is what we believe is in the best interest of the town to get us going in the right direction, and it allows developers to know what they can do by right and for a special permit. Chair Rondeau stated that this can be addressed in the future as well. Mr. Taberner stated that we should have done this five to 10 years ago and built upon it.

Ms. Williams stated that she thinks the inclusionary zoning is a huge win. She asked about GRV. She stated that she would hate to see the character of the neighborhoods be knocked down to make way for

what is being proposed tonight. Mr. Taberner stated that he would like to see Residential IV divided into two or three different subdistricts and Residential V could be done the same way. He stated that he thinks that allowing the Master Plan process to take a hard look at zoning changes like that should be done.

Chair Rondeau stated that it breaks down to about 19 units per 2,250 sq. ft. Mr. Mello asked what does it mean in terms of the size of the unit. Mr. Brad Chaffee, Camford Property Group, builder/developer, stated that if we are dealing with odd shaped lots, ledge, or wetlands, this is not easy to do. This is a very small scale. He stated that an apartment size in a one-half acre lot, you will get about eight units of 800-1,000 sq. ft. which is good for apartments; however, if you want ownership, that is too small. Ms. Wierling stated that she thinks we should be looking at a lower number as we are not going to get anything out of this. Mr. Chaffee stated that regarding inclusionary zoning, this is a boutique size. He stated that when you get into small, boutiquey stuff, it is crumbs and is not helping anything; when you get into the larger developments, you are getting decades of it at one shot.

Mr. Patrick Gallagher, 2 Cohasset Way, real estate and development attorney, Chair Conservation Commission, stated that he was speaking on behalf of himself. He stated that he represents many developers who are doing the 200- and 300-unit projects, and he represents a lot of developers who are doing 10- and 20-unit projects in Boston. He explained that adding an affordable unit to a six- or eight-unit project in his experience is not financeable which is a challenge the Town will run into if you are requiring a lower threshold to trigger the affordability requirement. He stated that he thinks it is important to balance this. He discussed the lower affordability by upzoning.

Ms. Melanie Hamblen, 70 Daniels Street, Town Council member, Chair of the EDC, Chair of Franklin for All Steering Committee, stated that we started in 2019 when MAPC did an economic development study, which was obvious that people want more housing, which is why we did the Franklin for All project to figure out how we could rezone things. She said that the changes before the Planning Board are just the beginning of the things we have been discussing in the Franklin for All meetings. She stated that we have discussed this for a long time. She said that we took into account what people said and what they wanted from the surveys, discussions with developers, different meetings, focus groups, as well as MBTA guidelines and Housing Production Plan. She stated that we agreed unanimously to move this forward. She discussed the action plan for Franklin MBTA Communities has been approved until the end of 2024. She stated that therefore, Franklin can continue to apply for Massport grants. She stated that as we save open space, we still have to allow for new growth especially in areas that already have infrastructure. She noted that new growth has slowed down which will have an effect on the budget, so we can allow increased density and builders can build by right. She said that we loosen up the regulations and allow for natural growth. She reviewed the inclusionary zoning bylaw. She stated that they found out that people really like 2, 3, and up to 12-unit buildings. She said that they like having commercial down at the first floor and units above.

***Motion to Recommend to Town Council Zoning Amendment 23-889, Multi-Family Density, and Zoning Amendment 23-890, Inclusionary Zoning. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

Ms. Love noted that the public hearings had to be closed before voting to recommend.

***Motion to Close the public hearings for Zoning Amendment 23-889, Multi-Family Density, and Zoning Amendment 23-890, Inclusionary Zoning. Wierling. Second: Rondeau. Vote: 5-0 (5-Yes; 0-No).***

***Motion to Recommend to Town Council Zoning Amendment 23-889, Multi-Family Density, and Zoning Amendment 23-890, Inclusionary Zoning. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

7:00 PM      **PUBLIC HEARING** – *Initial*  
***Zoning Amendment 23-890***  
Inclusionary Zoning  
*Documents presented to the Planning Board are on file.*

This public hearing was discussed along with the preceding public hearing; please see above.

***Motion to Adjourn the Planning Board Meeting. Rondeau. Second: Wierling. Vote: 5-0 (5-Yes; 0-No).***

***Meeting adjourned at 7:56 PM.***

Respectfully submitted,

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Judith Lizardi,  
Recording Secretary  
***--Planning Board approved minutes at April 24, 2023 Meeting***