



**Economic Development Subcommittee + Steering Committee Meeting  
Agenda & Meeting Packet  
January 4, 2023**

Meeting will be held at the **Municipal Building**  
2nd floor, Council Chambers  
355 East Central Street  
5:45 PM

***A NOTE TO RESIDENTS:*** All citizens are welcome to attend public board and committee meetings in person. Additionally, in an effort to maximize citizen engagement opportunities, citizens will be able to continue to participate remotely via phone OR Zoom. The meetings will also be [live-streamed by Franklin TV](#) and shown on Comcast Channel 11 and Verizon Channel 29.

- **Link to access meeting:** January 4, 2023 EDC + Steering Meeting Link [HERE](#) -- Then click "Open Zoom"
  - Or copy and paste this URL into your browser: <https://us02web.zoom.us/j/88608721709>
  - **Call-In Phone Number:** Call **1-929-205-6099** & enter Meeting ID: **886 0872 1709** then press #

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**Agenda:**

1. Lot Line Clean-Up
  - a. 23-891: Area on and near Lincoln Street
2. Zoning
  - a. 22-889: Use Regulations Schedule - Residential
3. Next meeting date
  - a. FFA priorities memo

This is a meeting of the Franklin Town Council Sub-Committee; under the Open Meeting Law, this subcommittee is a separate "public body" from the Town Council. Therefore, unless the Town Council has separately notified and posted its own meeting, Councilors who are not members of this subcommittee will not be permitted to speak or otherwise actively participate @ this meeting, although they may attend and observe. This prohibition is necessary to avoid the potential for an Open Meeting Law Violation

# **FRANKLIN PLANNING & COMMUNITY DEVELOPMENT**

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

## **MEMORANDUM**

**TO: JAMIE HELLEN, TOWN ADMINISTRATOR**  
**FROM: BRYAN W. TABERNER, AICP, DIRECTOR**  
**RE: PROPOSED ZONING MAP AMENDMENT 23-891, AN AREA  
ON AND NEAR LINCOLN STREET**  
**CC: AMY LOVE, PLANNER**  
**DATE: DECEMBER 14, 2022**

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As you know the Department of Planning & Community Development (DPCD) is working to amend the Town's existing Zoning Map (Chapter 185, Section 5, of Franklin Town Code) in an area on and near Lincoln Street. This proposed Zoning Map change is a small part of a Town Wide project being implemented by DPCD and other Town staff.

The project will better define the Town's zoning districts by following parcel lines. Where parcels are within two or more zoning districts the subject Zoning Map Amendment will move the Zoning District line so each parcel is only in one zoning district.

The Economic Development Committee will discuss the proposed changes at their January 4, 2023 meeting. If the Committee supports the proposed zoning map amendment, the issue should be scheduled for a Town Council meeting in the near future for further consideration.

Attached are the following:

- A list of parcels proposed for rezoning;
- Bylaw Zoning Amendment 23-891; and
- A diagram with two maps: one showing the current zoning in the area, and one showing proposed Zoning Map changes.

The subject Zoning Map amendment is in an area along Lincoln Street that is immediately to the south of the previous Zoning Bylaw Amendment 22-887. Note that the subject Zoning Map amendment is the last that deals with many parcels in a certain neighborhood. The remaining parcels (approximately 40) that are within two or more zoning districts are scattered around Town.

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

**Proposed Zoning Map Amendment 23-891**

Purpose: Better define Zoning District boundaries by following parcel lines.

**From Rural Residential II & Single Family Residential III,  
To Rural Residential II or Single Family Residential III,  
An Area On Or Near Lincoln Street**

| Parcel      | Location             | Size (acres) | Owners   | From          | To     |
|-------------|----------------------|--------------|--|---------------|--------|
| 243-006-000 | 5 Clara Louise Drive | 0.3509       | Patricia A Walsh Tr                              | RRII & SFRIII | RRII   |
| 243-008-000 | 404 Lincoln Street   | 0.8007       | Mark B Gove, Patricia L Hickey                   | RRII & SFRIII | RRII   |
| 243-009-000 | 406 Lincoln Street   | 0.6268       | Ian M Nordby                                     | RRII & SFRIII | SFRIII |
| 243-011-000 | 4 Bridle Path        | 0.7239       | Lawrence Maggio, Julie Maggio                    | RRII & SFRIII | RRII   |
| 250-001-000 | 234 Lincoln Street   | 0.5276       | Jeanne C Blanchard, Susan Blanchard              | RRII & SFRIII | SFRIII |
| 250-003-000 | Lincoln Street       | 9.5760       | Dean College                                     | RRII & SFRIII | RRII   |
| 250-004-000 | 258 Lincoln Street   | 0.9186       | Brian Kourtz, Amanda Rabbitt                     | RRII & SFRIII | SFRIII |
| 250-006-000 | 264 Lincoln Street   | 2.5275       | Michael Lavender                                 | RRII & SFRIII | SFRIII |
| 250-007-000 | 272 Lincoln Street   | 2.6475       | Mary Ellen Kearney                               | RRII & SFRIII | SFRIII |
| 250-008-000 | Mary Nora Drive      | 0.5882       | A B B Inc  | RRII & SFRIII | SFRIII |
| 250-011-000 | 282 Lincoln Street   | 1.2447       | Lauren McSweeney Anzivino, Scott Anzivino        | RRII & SFRIII | RRII   |
| 250-012-000 | 286 Lincoln Street   | 0.7748       | Dave Van Den Bergh, Jennifer A Van Den Bergh     | RRII & SFRIII | SFRIII |
| 250-015-000 | 312 Lincoln Street   | 4.2836       | Yoji Ichikawa, Hiroko Ichikawa                   | RRII & SFRIII | RRII   |
| 250-018-000 | 330 Lincoln Street   | 9.0244       | David J Gatchell, Kathleen M Gatchell            | RRII & SFRIII | RRII   |
| 250-019-000 | 350 Lincoln Street   | 1.0143       | Darlene M Denommee                               | RRII & SFRIII | SFRIII |
| 250-020-000 | 352 Lincoln Street   | 0.6895       | John K Giddings, Elizabeth Robito Giddings       | RRII & SFRIII | SFRIII |
| 250-021-000 | 366 Lincoln Street   | 1.7408       | David A Bernstein, Helen Camille Napier          | RRII & SFRIII | SFRIII |
| 250-022-000 | 372 Lincoln Street   | 0.8541       | William J Gallagher, Christine Gallagher         | RRII & SFRIII | SFRIII |
| 250-023-000 | 378 Lincoln Street   | 0.8335       | Christopher Kelly, Ashley E Kelly                | RRII & SFRIII | SFRIII |
| 250-024-000 | Clara Louise Drive   | 0.1342       | Robert B. Brown                                  | RRII & SFRIII | SFRIII |
| 261-019-000 | 174 Lincoln Street   | 1.2646       | Kathryn M DeMeritt                               | RRII & SFRIII | SFRIII |
| 261-020-000 | 184 Lincoln Street   | 2.0513       | Susan M Ferzoco, Mark D Ferzoco, Yolanda Ferzoco | RRII & SFRIII | SFRIII |
| 261-021-000 | 204 Lincoln Street   | 0.7037       | Roger A Rondeau, Barbara A Rondeau               | RRII & SFRIII | SFRIII |
| 261-022-000 | 210 Lincoln Street   | 1.0871       | James P Byrne, Marybeth F Byrne                  | RRII & SFRIII | SFRIII |
| 261-023-000 | 216 Lincoln Street   | 0.7018       | Daniel J Pennini, Maranda Landry                 | RRII & SFRIII | SFRIII |
| 261-024-000 | 228 Lincoln Street   | 0.3709       | Gary A Lucier                                    | RRII & SFRIII | SFRIII |
|             | Total Area           | 46.0609      |  |               |        |

RRII = Rural Residential II

SFRIII = Single Family Residential III



SPONSOR: *Town Administration*

**TOWN OF FRANKLIN  
ZONING BY-LAW AMENDMENT 23-891**

**ZONING MAP CHANGES FROM RURAL RESIDENTIAL II  
AND SINGLE FAMILY RESIDENTIAL III TO  
RURAL RESIDENTIAL II OR SINGLE FAMILY RESIDENTIAL III  
AN AREA ON OR NEAR LINCOLN STREET**

**A ZONING BY-LAW AMENDMENT TO THE CODE OF THE TOWN OF  
FRANKLIN AT CHAPTER 185 SECTION 5, ZONING MAP**

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:** The Code of the Town of Franklin is hereby amended by making the following amendments to §185-5, Zoning Map:

That the Zoning Map of the Town of Franklin be amended by changing from Rural Residential II and Single Family Residential III to Rural Residential II an area containing **26.004± acres**, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

|                    |                    |                    |
|--------------------|--------------------|--------------------|
| <b>243-006-000</b> | <b>250-003-000</b> | <b>250-015-000</b> |
| <b>243-008-000</b> | <b>250-011-000</b> | <b>250-018-000</b> |
| <b>243-011-000</b> |                    |                    |

And the Zoning Map of the Town of Franklin be amended by changing from Rural Residential II and Single Family Residential III to Single Family Residential III an area containing **20.057± acres**, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

|                    |                    |                    |
|--------------------|--------------------|--------------------|
| <b>243-009-000</b> | <b>250-019-000</b> | <b>261-019-000</b> |
| <b>250-001-000</b> | <b>250-020-000</b> | <b>261-020-000</b> |
| <b>250-004-000</b> | <b>250-021-000</b> | <b>261-021-000</b> |
| <b>250-006-000</b> | <b>250-022-000</b> | <b>261-022-000</b> |
| <b>250-007-000</b> | <b>250-023-000</b> | <b>261-023-000</b> |
| <b>250-008-000</b> | <b>250-024-000</b> | <b>261-024-000</b> |
| <b>250-012-000</b> |                    |                    |

The area to be rezoned is shown on the attached map (“Proposed Zoning Map Changes, An Area On Or Near Lincoln Street”).

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.

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**DATED:** \_\_\_\_\_, 2023

**VOTED:** \_\_\_\_\_

**UNANIMOUS:** \_\_\_\_\_

**A TRUE RECORD ATTEST:**

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_ **ABSENT:** \_\_\_\_

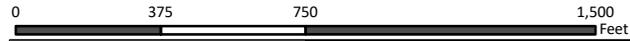
**RECUSED:** \_\_\_\_\_

\_\_\_\_\_  
**Nancy Danello, CMC**  
**Town Clerk**

\_\_\_\_\_  
**Glenn Jones, Clerk**  
**Franklin Town Council**

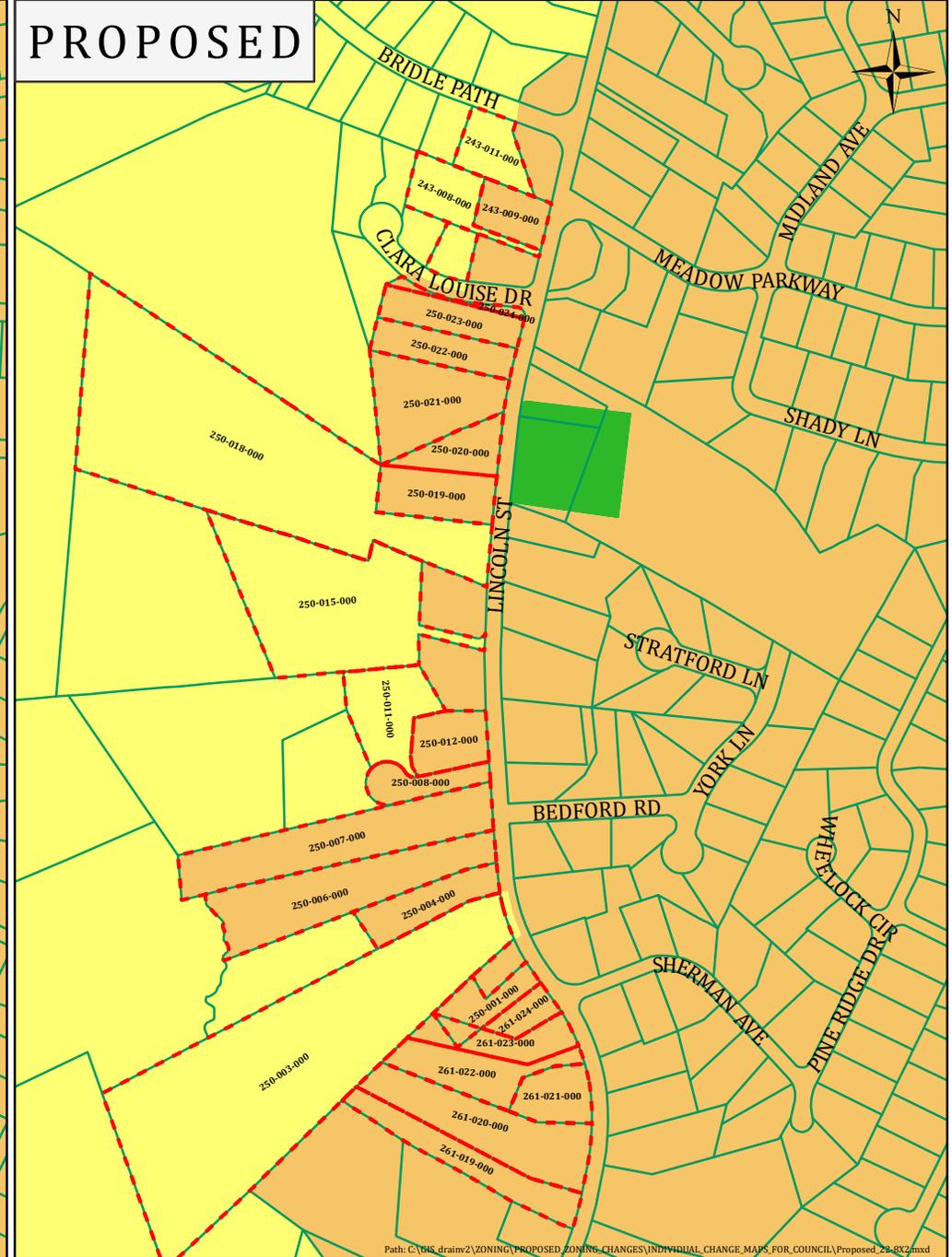
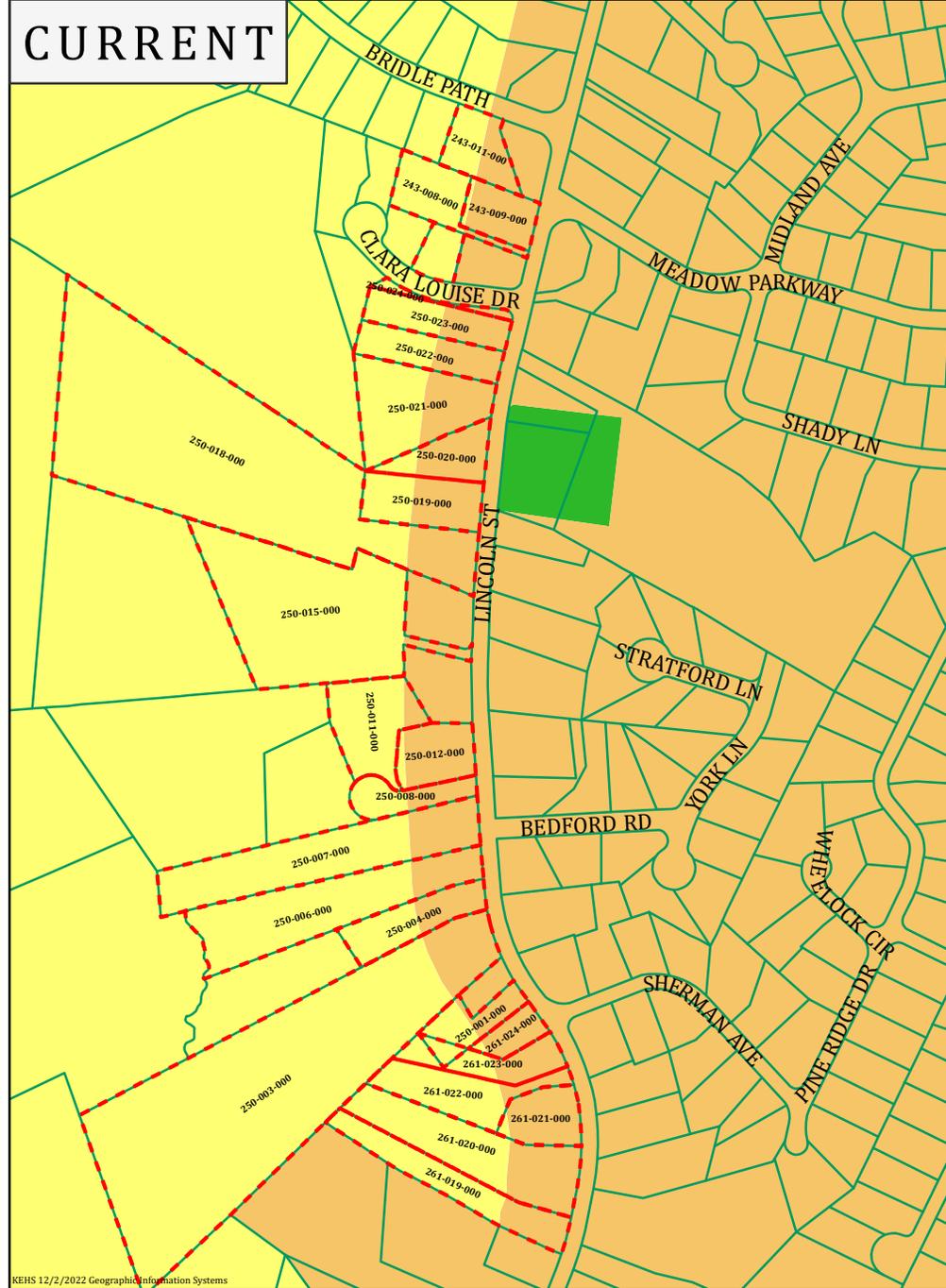
# Proposed Zoning Map Changes

An Area On Or Near Lincoln Street  
 From Rural Residential II & Single Family Residential III, To Rural Residential II or  
 Single Family Residential III



- Commercial II
- Rural Residential II
- Single-Family III
- Area of Proposed Change
- Parcel Line

23-891



# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949  
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

## Memorandum

December 9, 2022

To: Town Council

From: Jamie Hellen, Town Administrator  
Alecia Alleyne, Assistant to the Town Administrator

Re: **Bylaw Amendments 22-889 & 22-890: Inclusionary Zoning**

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The following two bylaws represent the Inclusionary Zoning bylaw. I am suggesting that the Council refer these to the Planning Board (PB) for public hearings, which will take place in January, BEFORE debating or amending the bylaws approved by the EDC+ Steering Committee last week. We should allow the PB to make their formal recommendation to the Council. I expect a recommendation will be back to the Council in February where two public hearings will also be heard and the Council can take any amendment action they desire when it comes back.

Please see the attached materials from the Community Planning Office on the substance of the bylaws.

In short, these bylaws do the following:

- Adds a 10% affordable housing requirement for all housing projects of 4 units or more in ONLY Downtown/Commercial, Residential V, and Commercial 1 zoning districts. I have linked the [current zoning map](#).
- Reduces the density of development in RV and C1 from (approximately) 20 units per acre by “special permit” to 15 units per acre “by right” (to comply with the minimum requirement of the new MBTA Communities law).
- Adds in a new three-family dwelling in the same zoning districts.
- Adds in a new bylaw for inclusionary zoning (IZ). For a cliff notes version of what it is, please [click here for the state website](#).

These proposals were approved by the EDC+ Steering Committee unanimously 7-0 to move on to the Town Council to recommend to the PB to begin the public hearing process.

# FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

## MEMORANDUM

**TO:** JAMIE HELLEN, TOWN ADMINISTRATOR  
**FROM:** BRYAN W. TABERNER, AICP, DIRECTOR  
**RE:** PROPOSED ZONING CHANGES, PHASE I  
ZONING BYLAW AMENDMENT 22-889, RESIDENTIAL USES  
ZONING BYLAW AMENDMENT 22-890, INCLUSIONARY ZONING  
**DATE:** DECEMBER 8, 2022

The Department of Planning & Community Development has developed the summary below for the first phase of Zoning Bylaw changes related to recommendations from the “Franklin For All” zoning project, and the Town’s 2022 Housing Production Plan (HPP). The proposed changes below will create a baseline which to address additional zoning changes, including the possibility of adopting a 40R Smart Growth Overlay District, and addressing accessory dwelling units.

The work in this phase of the zoning work addresses 1.) Housing density allowed within Commercial I (CI), and General Residential V (GRV) zoning districts; 2.) By-right multifamily housing; 3.) MBTA Communities requirements; and 4.) Inclusionary Zoning.

Housing Density. DPCD recommends amending the Zoning Bylaw’s use regulations to change the housing density allowed in the Commercial I (CI) and General Residential V (GRV) zoning districts. Currently multifamily housing developments up to one dwelling unit per 1,000 square feet of lot area (43 housing units per acre) may be permitted by special permit in CI and GRV. Planning Board Special Permits for dense multifamily housing are not automatically granted, and it can be difficult to obtain a permit to develop as many as 43 housing units on an acre of land. The permitting process can be very expensive for the property owner and developer, and there is no guarantee the permit will be granted.

By-right multifamily housing. DPCD recommends making the changes proposed in the table below to address the housing density and lack of by-right issues.

| Allowed Housing Density in CI and GRV  |   |
|--|---|
| Current Zoning   | Proposed Zoning   |
| No more than one dwelling unit per 1,000 square feet of lot area may be permitted by Special Permit from the Planning Board. | No more than one dwelling unit per 2,750 square feet of lot area may be permitted by right. Additional dwelling units may be allowed by Special Permit from the Planning Board. |

By allowing a certain level of multifamily density (1 unit per 2,750 SF) by right in the CI and GRV zoning districts, a developer knows it is possible to get a permit for a development. If the developer wants a denser development they can seek a Planning Board special permit.

MBTA Communities requirements. The majority of CI and GRV zoning districts are within a half mile of the

Downtown MBTA station. Massachusetts passed new laws through the Acts of 2020 adding a new Section 3A to chapter 40A of MGL. The proposed density of one dwelling unit per 2,750 square feet of lot area will help the Town meet the MBTA Communities requirements stated in Section 3A; 1 unit per 2,750 sf of lot area comes to 15.84 units per acre. With the Town's Downtown Commercial zoning district already allowing up to 1 housing unit per 2,000 sf of lot (21 housing units per acre) by-right, having CI and GRV allow 15 units per acre will sufficiently address the Section 3A requirements. One small Zoning Bylaw amendment that would make a few minor changes to Part VI of the Use Regulations tables (Attachment 7 of the Zoning Bylaw) will make the proposed changes above possible. However, the above proposed changes do not deal with affordable housing issues.

Inclusionary Zoning. DPCD has worked on developing an Inclusionary Zoning (IZ) Bylaw for several years; during that time much has happened, including the HPP, the "Franklin For All" study and by-right multifamily requirements for MBTA Communities. Over the last couple months the State has amended the requirements of MBTA Communities regarding affordable housing; one change is as follows: DHCD "will consider an affordability requirement to be consistent with as of right zoning as long as the zoning requires not more than 10 percent of the units in a project to be affordable units".

For that reason, requiring more than ten percent affordable housing units in the Downtown Commercial, Commercial I, and General Residential V zoning districts is not allowed (unless the units are more than half mile from the MBTA Station). The newest DHCD guidance also states to be consistent with as of right zoning "the cap on the income of families or individuals who are eligible to occupy the affordable units is not less than 80 percent of the area median income". These changes required DPCD to update the Inclusionary Zoning (IZ) Bylaw. The updated version is simplified in that it only requires 10% affordable units for all multifamily housing developments of five or more housing units.

Proposed Zoning Bylaw Amendments. Attached are two proposed zoning bylaw amendments related to the issues discussed above.

***Zoning Bylaw Amendment 22-889, Multifamily Housing Density.*** 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 1 unit per 2,750 SF 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 4 or more units in CI and GRV:

No more than one dwelling unit per 2,750 square feet 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 3 unit development to be allowed in certain districts where other larger multifamily developments are not.

***Zoning Bylaw Amendment 22-890, Inclusionary Zoning.*** The Zoning Bylaw amendment adds a new section to the Town's Zoning Bylaw: §185-51. Inclusionary Zoning. Multifamily developments with 5 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% of the areawide median household income.

I request the Town Council vote to refer the Zoning Amendments to the Planning Board for a Public Hearing. Please let me know if you have questions or require additional information on any of the above issues.



SPONSOR: *Town Administration*

**TOWN OF FRANKLIN  
ZONING BY-LAW AMENDMENT 22-889**

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT  
CHAPTER 185, ATTACHMENT 7. PART VI, USE REGULATION SCHEDULE:  
RESIDENTIAL USES**

**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 (xvz) and as deletions (~~xyz~~) to §185, Attachment 7, Part VI, Use Regulation Schedule: Residential Uses, Multifamily or Apartment:

185 Attachment 7  
USE REGULATION SCHEDULE  
PART VI

Symbols in the Use Regulations Schedule shall mean the following:

Y = A permitted use.

N = An excluded or prohibited use.

BA = A use authorized under special permit from the Board of Appeals.

PB = A use authorized under special permit from the Planning Board.

P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

| Principal Uses  | District                    |                 |                             |                             |                               |                                |                             |                               |                 |                               |                 |                 |                 |                                |                 |
|---|-----------------------------|-----------------|-----------------------------|-----------------------------|-------------------------------|--------------------------------|-----------------------------|-------------------------------|-----------------|-------------------------------|-----------------|-----------------|-----------------|--------------------------------|-----------------|
|   | RRI                         | RVII            | SFRIII                      | SFRIV                       | GRV                           | NC                             | RB                          | CI                            | CII             | DC                            | B               | I               | LI              | O                              | MBI             |
| 6. Residential  |                             |                 |                             |                             |                               |                                |                             |                               |                 |                               |                 |                 |                 |                                |                 |
| 6.1 Multifamily or Apartment                          | <b>N<sup>1</sup></b>        | <b>N</b>        | <b>N</b>                    | <b>N</b>                    | <b>PB<sup>3</sup></b>         | <b>PB<sup>4</sup></b>          | <b>N</b>                    | <b>PB<sup>3</sup></b>         | <b>N</b>        | <b>Y<sup>5,6</sup></b>        | <b>N</b>        | <b>N</b>        | <b>N</b>        | <b>PB<sup>7,8</sup></b>        | <b>N</b>        |
| <b>a. With Four or More Housing Units<sup>4</sup></b> | <b><u>N<sup>1</sup></u></b> | <b><u>N</u></b> | <b><u>N</u></b>             | <b><u>N</u></b>             | <b><u>Y<sup>2,3</sup></u></b> | <b><u>PB<sup>2,8</sup></u></b> | <b><u>N</u></b>             | <b><u>Y<sup>2,3</sup></u></b> | <b><u>N</u></b> | <b><u>Y<sup>5,6</sup></u></b> | <b><u>N</u></b> | <b><u>N</u></b> | <b><u>N</u></b> | <b><u>PB<sup>7,8</sup></u></b> | <b><u>N</u></b> |
| <b>b. With Three Housing Units</b>                    | <b><u>N</u></b>             | <b><u>N</u></b> | <b><u>Y<sup>2</sup></u></b> | <b><u>Y<sup>2</sup></u></b> | <b><u>Y<sup>2</sup></u></b>   | <b><u>N</u></b>                | <b><u>Y<sup>2</sup></u></b> | <b><u>Y</u></b>               | <b><u>Y</u></b> | <b><u>Y</u></b>               | <b><u>N</u></b> | <b><u>N</u></b> | <b><u>N</u></b> | <b><u>N</u></b>                | <b><u>N</u></b> |
| 6.2 Single-family                                     | Y                           | Y               | Y                           | Y                           | Y                             | Y                              | Y                           | Y                             | Y               | N                             | N               | N               | N               | N                              | N               |
| 6.3 Two-family  |                             |                 |                             |                             |                               |                                |                             |                               |                 |                               |                 |                 |                 |                                |                 |
| a. New  | N                           | N               | Y <sup>2</sup>              | Y <sup>2</sup>              | Y <sup>2</sup>                | N                              | Y                           | Y                             | Y               | N                             | N               | N               | N               | N                              | N               |
| b. By conversion                                      | BA                          | BA              | BA                          | Y                           | Y                             | N                              | BA                          | Y                             | BA              | N                             | N               | N               | N               | N                              | N               |

NOTES:

1. Except PB in RVI District (~~see § 185-38~~) per § 185-38, and RVII District per § 185-50.
2. Lot area must be at least 25% greater than that required for a single-family dwelling.
3. No more than one dwelling unit per ~~1,000~~ **2,750** square feet of lot area may be permitted; **additional dwelling units may be allowed by Special Permit from the Planning Board.**
4. ~~No more than one dwelling unit per 3,000 square feet of lot area may be permitted.~~ **All multifamily developments with 5 or more housing units are required to address the Affordable Housing requirements in § 185-51.**
5. All dwelling units shall be located on floors above the street level floor.
6. No more than one dwelling unit per 2,000 square feet of lot area will be permitted; additional dwelling units may be allowed by Special Permit from the Planning Board.
7. All multi-family residential developments require a minimum of 5-acres.
8. No more than one dwelling unit per 3,000 square feet of lot area will be permitted.

Franklin DPCD  
December 8, 2022

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.

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**DATED:** \_\_\_\_\_, 2022

**VOTED:** \_\_\_\_\_

**UNANIMOUS:** \_\_\_\_\_

**A TRUE RECORD ATTEST:**

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_ **ABSENT:** \_\_\_\_\_

**RECUSED:** \_\_\_\_\_

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**Nancy Danello, CMC**  
**Town Clerk**

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**Glenn Jones, Clerk**  
**Franklin Town Council**

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949  
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

## Memorandum

September 16, 2022

To: Town Council EDC subcommittee  
From: Jamie Hellen, Town Administrator  
Alecia Alleyne, Assistant to the Town Administrator

**Re: FFA Project Timeline**

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Please see the attached materials and recommendations from the staff on the Franklin For All project priorities. We have also included some of the staff priorities that came from the Housing Production Plan, as well as a timeline for the Open Space and Recreation Plan and Townwide Master Plan process.

The proposed timeline is as follows:

1. Downtown Parking District & Downtown Parking Lots Bylaw Amendment - Fall 2022.
2. Inclusionary Zoning & Downtown MBTA zoning/downtown housing density - Fall 2022
3. Accessory Dwelling Units Zoning - Fall 2022/Winter 2023 (after we see what the state Legislature does)
4. Open Space & Recreation Master Plan - Fall 2022 to start the process.
5. 40R Public discussion - Winter/Spring 2023
6. Shared Parking - Spring/Summer 2023.
7. Townwide Master Plan Committee appointments and process begins - Summer 2023.

Please refer to the supporting materials for greater details. This memo is just an outline and is subject to change. However, based on the work completed to date and the priorities of the EDC Steering Committee, staff see this as the natural order of events based on the substance of the priorities.

# **FRANKLIN PLANNING & COMMUNITY DEVELOPMENT**

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

## **MEMORANDUM**

**TO: JAMIE HELLEN, TOWN ADMINISTRATOR**  
**FROM: BRYAN W. TABERNER, AICP, DIRECTOR**  
**RE: PROPOSED ZONING CHANGES, AND UPDATE ON COMPREHENSIVE PLANNING ISSUES**  
**DATE: SEPTEMBER 14, 2022**

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As you know based on a substantial public input process conducted by Metropolitan Area Planning Council (MAPC) staff, eleven recommendations were developed and proposed as part of the “Franklin For All” project. According to MAPC’s Executive Summary, the recommendations are intended to be a starting point for developing appropriate zoning for the Franklin Center Area. At the August 10, 2022 Economic Development Plus Steering Committee meeting the following three priorities were chosen:

Recommendation 1: Establish a Chapter 40R Smart Growth Overlay District, with Design Standards that includes properties in Downtown Commercial, Commercial 1, and General Residential V District.

Recommendation 7: Create a definition for “accessory dwelling units” (ADUs) and allow them by-right on single family parcels in General Residential V and Single-Family Residential IV Districts.

Recommendation 8: Establish a shared-use parking policy for Town-owned parking lots in Franklin Center and, if possible, negotiate with the owners of private lots to allow shared-use parking.

The Department of Planning & Community Development has developed the summary below identifying issues needing consideration, and a proposed approach and timeline related to the three priorities mentioned above, and related Zoning Bylaw issues it believes should be prioritized during the current fiscal year.

### **Chapter 40R Smart Growth Zoning Overlay District**

*Recommendation 1: Establish a Chapter 40R Smart Growth Overlay District, with Design Standards that includes properties in Downtown Commercial, Commercial 1, and General Residential V District.*

Chapter 40R encourages the creation of dense residential or mixed-use zoning overlay districts that include deed restricted affordable housing units and are located close to public transit. As the MAPC’s and the Economic Development Plus Steering Committee’s top priority, the Town will focus substantial resources on establishment of a Chapter 40R Smart Growth Zoning Overlay District (“40R District”).

DPCD believes that creation of a 40R District within walking distance of the Downtown Commuter Rail station that balances increased by-right housing density with high-quality design, requires at least twenty percent (20%) of multifamily units to be Affordable, and also meets the Section 3A requirements for MBTA communities should be the approach taken.

To implement a 40R zoning project DPCD recommends hiring an expert in the field who will meet with Town staff to discuss process, requirements, and how best to proceed. As you know Town staff are moving

forward with this issue. Once DPCD and the Administration have gained insight on the 40R process, a consultant may be hired to perform the majority of bylaw drafting. To cover the cost of this work the Town will utilize the remainder of our FY22-FY23 Executive Office of Energy and Environmental Affairs grant, and a small amount of local matching funds.

In conjunction with the 40R project, DPCD recommends developing Zoning Bylaw amendments that would create an Inclusionary Zoning bylaw, as well as change the density of allowed multifamily developments, designate the density housing developments can be permitted by-right, and what density may be permitted by special permit. These issues are discussed further later in this memo.

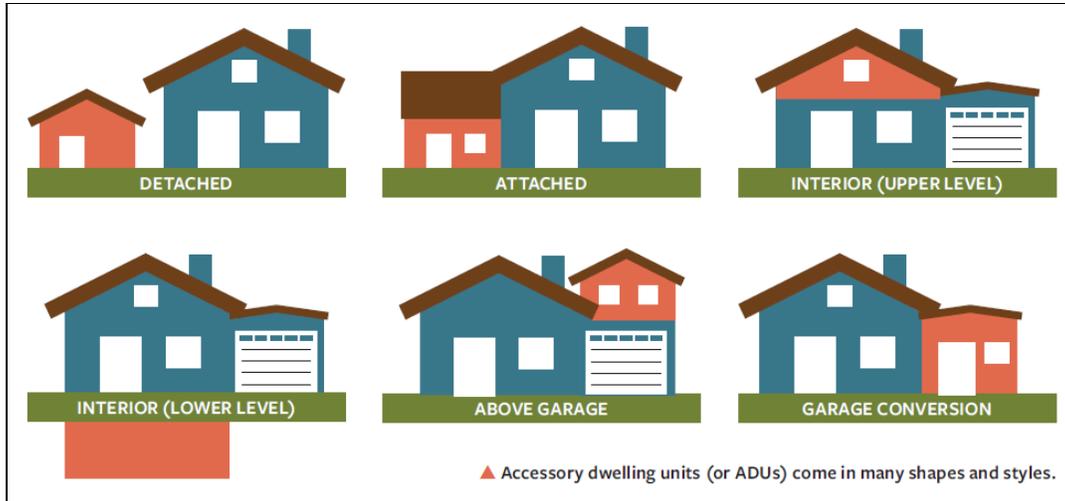
By the end of the current fiscal year DPCD believes the EDC will have had sufficient opportunity to discuss all aspects of the proposed 40R Zoning Bylaw, and a public draft would be completed.

### Accessory Dwelling Unit

*Recommendation 7: Create a definition for “accessory dwelling units” (ADUs) and allow them by-right on single family parcels in General Residential V and Single-Family Residential IV Districts.*

An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone single-family home. ADUs go by different names dependent upon the region of the country and the type unit, including accessory apartment, secondary suite, in-law suite, granny flat, basement apartment, backhouse, carriage house, garage apartment, guest house or cottage, and backyard bungalow (and others).

There are a variety of types of ADUs, including converted portions of existing homes, additions to new or existing homes, new stand-alone accessory structures, or converted portions of existing stand-alone accessory structures. The diagram below provides a summary of different type ADUs.



Source: The ABC's of ADUs, AARP 2019

MAPC recommends allowing ADUs by right in General Residential V (GRV) and Single-Family Residential IV (SFRIV) zoning districts. The Town's Zoning Bylaw already allows conversion of a single family to a two-family by right in GRV (and Commercial II), and by special permit in SFRIV, as well as in Commercial I and Downtown Commercial zoning districts.

MAPC's recommendation to *Create a definition for “accessory dwelling units” (ADUs) and allow them by-right on single family parcels in General Residential V and Single-Family Residential IV Districts*, can be done easily with two short Zoning Bylaw Amendments, but this approach would not create opportunities for ADUs in zoning districts with less density (RRI, RRII, SFRIII), or in commercial zoning districts with existing

single family homes. Creation of an Accessory Dwelling Unit section in the Zoning Bylaw is needed if the Town wishes to allow ADUs in these other zoning districts.

DPCD will develop Zoning Bylaw Amendments related to ADUs. A variety of issues will need to be discussed, including:

- Should ADUs be allowed in all residential and mixed use districts?
- Should an ADU permit be easy to obtain, or only after time-consuming and costly permit review and requirements?
- Should the Town allow leasing of ADU to unrelated individuals or families?
- How restrictive should the Town be with dimensional restrictions, off street parking or design/aesthetics?

**State Legislation.** Both houses of the State Legislature are considering bills (H1370 and S908, An Act relative to accessory dwelling units) that would allow owners of single family residential units to add, attached or detached, accessory dwelling units, by right, if occupied by a tenant with a disability or elderly resident. A copy of H1370 is attached for reference.

**Going Forward on ADU Zoning.** DPCD is currently researching best practices for ADUs, and gathering bylaws developed by other Massachusetts communities. We expect to begin discussing ADU zoning with the Economic Development Subcommittee Steering Committee in November or December. However, DPCD will not likely present a recommended ADU Zoning amendment until after the State has finalized the related law/regulation. Any Zoning Bylaw proposed by DPCD will take into consideration the proposed legislation.

### **Shared-Use Parking Policy**

*Recommendation 8: Establish a shared-use parking policy for Town-owned parking lots in Franklin Center and, if possible, negotiate with the owners of private lots to allow shared-use parking.*

This recommendation is being addressed by the Town Administrator, Police Department and others. Changes are being proposed that will result in better utilization of Town owned parking spaces.

However, DPCD does have input to share on this issue. Recommendation 8, as proposed, is difficult to implement in a manner that will be in the best interest of the Town and its residents. MAPC stated in its June 8, 2022 Vision & Zoning Recommendations memo that the Planning Board could choose to allow developers to count a portion of spaces in the public lots towards their off street parking requirement.

DPCD is somewhat concerned about this recommendation. If a developer states it will (or wishes to) use Town owned parking spaces to meet its off street parking requirements, wouldn't this need to be a permanent arrangement that the Planning Board could base their decisions on? A short term arrangement with the Town, or any Downtown parking space owner, would not be something the Planning Board could make a permanent/long term permitting decision. If in the future the Town does decide to do a long term lease with a Downtown property owner, how will that decision be made? It would require public distribution of a request for proposal for the long term lease (or sale) of a public parking lot, for private property owners/developers.

There are several other issues that may be cause for concern. For one, if a shared use concept is implemented where a developer can use a certain number of spaces during the evenings, does that mean tenants/residents would need to move their vehicle each morning even if they didn't plan to go out?

DPCD recommends the EDC support the changes being proposed by the Administration, instead of attempting to make shared parking agreements with existing property owners or future developers.

## **Inclusionary Zoning, Housing Density, & MBTA Community Requirements**

In adopting a 40R Smart Growth Overlay District that covers the Downtown Commercial, Commercial I, and General Residential V Districts and allows densities of 20 units/acre as of right, Franklin would be able to meet its requirement for multifamily zoning as an MBTA community under MGL Chapter 40A, Section 3A. A 40R District would also require 20% affordable units for any multifamily develops. However it would not address multifamily housing proposed for other areas in the Community.

MAPC's Recommendation 2 is to *"Adopt an inclusionary zoning policy that is Town-wide and create a minimum threshold for Affordable Housing in new development"*.

Inclusionary Zoning is an important DPCD priority for the current fiscal year. The IZ zoning bylaw would include regulation similar to the draft IZ bylaw discussed at EDC meetings in May and June 2020, but would include a development incentive component. IZ would apply to all multi-family residential development, including so-called friendly 40B projects, 40R related developments (once a 40R District is created), and any other multifamily developments regardless of Zoning District.

The IZ bylaw would create opportunity for two levels of affordability:

Affordable Units: For eligible individuals or households making less than 80% of the areawide median household income. These units would qualify for the Subsidized Housing Inventory and assure the Town stays above the 40B required 10% affordable level.

Moderate Income Units: For eligible individuals or households making less than 100% of the areawide median household income.

**Changes to Housing Density.** In conjunction with the IZ bylaw, DPCD will develop additional Zoning Bylaw Amendments related to housing density in CI, GRV and possibly SFRIV.

**Housing Production Plan Goals.** The Town's 2022 Housing Production Plan, which was approved by the State in May 2022, contains several goals and strategies related directly to the Zoning Bylaw amendments being proposed, including changing housing density, allowing some level of multifamily development by right, developing an incentivized Inclusionary Zoning bylaw, adopting other strategies that incentivize the production of affordable housing, and of course maintaining Franklin's Subsidized Housing Inventory (SHI) above ten percent through 2030 and beyond. The list of Goals and Strategies from the HPP is attached for reference.

## **Additional Comprehensive Planning Projects**

**Open Space and Recreation Plan.** DPCD has begun to prepare for update of the Town's 2016 Open Space and Recreation Plan. As with the last two updates (2008 & 2016) the OSRP will be developed in house by DPCD staff. The Town's Conservation Agent will take the lead on the project, and be assisted by the Town Planner, Planning & Community Development Director, and a working group of Town staff from various Departments, including Administration, Recreation, GIS Department, Engineering, Public Works (Grounds Division), Facilities, Schools and Senior Center. The Working Group will begin meeting in October.

This work has begun with assessment of the status of the implementation of the OSRP's goals and objectives, and updating data within the document, including demographics, zoning, and land use.

At the October 13<sup>th</sup> Conservation Commission, DPCD staff will introduce the OSRP update project, and request the Commission establish a Steering Committee to guide the plan update process.

In addition to Commission members, the proposed OSRP Update Steering Committee will likely include representatives from the Planning Board, Recreation Advisory Board, and Community Preservation Committee; in addition, the Steering Committee will ask for regular input from the Commission on Persons

with Disabilities, Council on Aging, Community Garden Committee, Agricultural Commission and School Department, as well as interested community organizations.

Regular OSPR Update Steering Committee meetings will be held during Conservation Commission meeting approximately once a month starting in November 2022. DPCD expects the OSRP Update to be completed, adopted by Town Council and approved by the State by September 2023. A proposed timeline is attached.

**Master Plan.** Once the bulk of the OSRP Update work is completed, DPCD will begin a similar process to update the 2013 Master Plan. We expect to request that Town Council create a Master Plan Committee during the first quarter of FY24.

Please let me know if you have questions or require additional information on any of the above issues.

HOUSE DOCKET, NO. 801 FILED ON: 1/28/2021

**HOUSE . . . . . No. 1370****The Commonwealth of Massachusetts**

PRESENTED BY:

***Christine P. Barber***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to accessory dwelling units.

PETITION OF:

| NAME:                        | DISTRICT/ADDRESS:                    | DATE ADDED:      |
|------------------------------|--------------------------------------|------------------|
| <i>Christine P. Barber</i>   | <i>34th Middlesex</i>                | <i>1/28/2021</i> |
| <i>Michael S. Day</i>        | <i>31st Middlesex</i>                | <i>2/25/2021</i> |
| <i>Michelle M. DuBois</i>    | <i>10th Plymouth</i>                 | <i>2/26/2021</i> |
| <i>Ruth B. Balsler</i>       | <i>12th Middlesex</i>                | <i>3/16/2021</i> |
| <i>Hannah Kane</i>           | <i>11th Worcester</i>                | <i>3/16/2021</i> |
| <i>Danillo A. Sena</i>       | <i>37th Middlesex</i>                | <i>3/16/2021</i> |
| <i>David Allen Robertson</i> | <i>19th Middlesex</i>                | <i>3/18/2021</i> |
| <i>Jon Santiago</i>          | <i>9th Suffolk</i>                   | <i>3/18/2021</i> |
| <i>Gerard J. Cassidy</i>     | <i>9th Plymouth</i>                  | <i>3/22/2021</i> |
| <i>James M. Murphy</i>       | <i>4th Norfolk</i>                   | <i>3/25/2021</i> |
| <i>Tommy Vitolo</i>          | <i>15th Norfolk</i>                  | <i>4/1/2021</i>  |
| <i>Vanna Howard</i>          | <i>17th Middlesex</i>                | <i>4/1/2021</i>  |
| <i>Walter F. Timilty</i>     | <i>Norfolk, Bristol and Plymouth</i> | <i>4/1/2021</i>  |
| <i>Josh S. Cutler</i>        | <i>6th Plymouth</i>                  | <i>4/1/2021</i>  |
| <i>Mary S. Keefe</i>         | <i>15th Worcester</i>                | <i>4/2/2021</i>  |
| <i>Tram T. Nguyen</i>        | <i>18th Essex</i>                    | <i>4/8/2021</i>  |
| <i>Norman J. Orrall</i>      | <i>12th Bristol</i>                  | <i>4/29/2021</i> |
| <i>Natalie M. Higgins</i>    | <i>4th Worcester</i>                 | <i>8/2/2021</i>  |

*Carmine Lawrence Gentile*  
*Kay Khan*

*13th Middlesex*  
*11th Middlesex*

*8/4/2021*  
*10/4/2021*

**HOUSE . . . . . No. 1370**

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By Ms. Barber of Somerville, a petition (accompanied by bill, House, No. 1370) of Christine P. Barber and others relative to accessory dwelling units. Housing.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1250 OF 2019-2020.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

An Act relative to accessory dwelling units.

*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. Section 3 of chapter 40A of the General Laws, as appearing in the 2014  
2 Official Edition, is hereby amended by inserting after the last paragraph the following 3  
3 paragraphs:-

4 No zoning ordinance or by-law shall prohibit or require a special permit for the use of  
5 land or structures for an accessory dwelling unit, or the rental thereof, in a single-family  
6 residential zoning district on a lot with 5,000 square feet or more or on a lot of sufficient area to  
7 meet the requirements of title 5 of the state environmental code established by section 13 of  
8 chapter 21A, if applicable; provided, however, that the single-family dwelling or the accessory  
9 dwelling unit is occupied by at least 1 person with disabilities or 1 person who is elderly.

10 As used in this section, “accessory dwelling unit” shall mean a self-contained housing  
11 unit, inclusive of sleeping, cooking and sanitary facilities, incorporated within the same structure  
12 as a single-family dwelling or in a detached accessory structure and that: (i) maintains a separate  
13 entrance, either directly from the outside or through an entry hall or corridor shared with the  
14 single dwelling; (ii) shall not be sold separately from the single family dwelling; (iii) is not  
15 smaller in floor area than 450 square feet; (iv) may include up to two bedrooms; and (v) is not  
16 larger in floor area than ½ the floor area of the single family dwelling or 900 square feet,  
17 whichever is smaller; “person with disabilities” shall mean a person who has been determined to  
18 be disabled (i) in accordance with criteria established by local by-law or ordinance, if any, or (ii)  
19 by the Social Security Administration or MassHealth, notwithstanding any local by-law or  
20 ordinance; and “elderly” shall mean a person sixty-five years of age or older.

21 The zoning ordinance or by-law may require that the single-family dwelling or the  
22 accessory dwelling unit be owner-occupied and may limit the total number of accessory dwelling  
23 units in the municipality to a percentage not lower than 5 percent of the total non-seasonal  
24 housing units in the municipality. The use of land or structures for an accessory dwelling unit  
25 may be subject to reasonable regulations concerning dimensional setbacks and the bulk and  
26 height of structures. Not more than 1 additional parking space shall be required for an accessory  
27 dwelling unit but, if parking is required for the single family dwelling, that parking shall either  
28 be retained or replaced. An accessory dwelling unit allowed under this section is considered  
29 owner-occupied upon transfer of title of the single-family dwelling in whole or in part to a trust  
30 in which at least 1 beneficiary is a person with disabilities or a person who is elderly; provided,  
31 however, that either the single-family dwelling or the accessory dwelling unit remains occupied  
32 by that beneficiary. Nothing in this paragraph shall authorize an accessory dwelling unit to

33 violate the building, fire, health or sanitary codes, historic or wetlands laws, or ordinances or by-  
34 laws.

## Town of Franklin 2022 Housing Production Plan.

### Goals & Strategies

#### **Goal 1: Maintain Franklin's Subsidized Housing Inventory above ten percent through 2030 and beyond.**

##### Strategies:

- Monitor and preserve existing affordable units.
- Actively engage with developers to further incentivize SHI development.
- Advance projects under the Local Initiative Program to create the type and level of affordable housing best for the community.
- The Town will commit to a production goal of .05% should the Town fall below 10% due to the 2020 Census or any other reason.

#### **Goal 2: Increase the number of housing units affordable to Franklin's very low income, low income, and moderate income residents.**

##### Strategies:

- Encourage developers of multifamily housing projects to create affordable housing units that would meet the needs of individuals with special needs.
- Work with housing non-profit organizations to support development of smaller style owner-occupied housing units.

#### **Goal 3: Increase the number of affordable housing units available to persons with special needs, and the elderly.**

##### Strategies:

- Encourage developers of multifamily housing projects to create affordable housing units that would meet the needs of individuals with special needs.
- Consider creating a density bonus incentive program that allow more units of housing to be built than would be allowed under current zoning regulations, in exchange for a developer's provision of affordable housing units or other public good.

#### **Goal 4: Support affordable housing appropriate for expected future demographics.**

##### Strategies:

- Support development of smaller style rental and owner-occupied housing units to accommodate the needs of the Town's changing population.
- Encourage the development of smaller housing units to better meet the needs of a younger generation of households.

#### **Goal 5: Provide housing alternatives that meet the needs of Franklin based employers and employees.**

##### Strategies:

- Create bylaw sections to allow flexible development in core areas using development agreements.
- Consider developing regulation for the by-right permitting of micro-units or studio apartments that are leased at lower than average rates.

#### **Goal 6: Adopt strategies that incentivize the production of affordable housing.**

##### Strategies:

- Actively engage with developers to further incentivize SHI development via Special Tax Assessments, density bonuses and additional incentives for increased SHI unit production alongside market-rate units.
- Use an incentivized Inclusive Zoning bylaw to attract SHI unit developments.
- Utilize Workforce Housing Special Tax Assessments (WH-STAs), multi-year property tax exemption, as incentive to create middle-income housing.
- Negotiate Tax Increment Finance Agreements with housing developers to lower the tax burden on specific affordable housing developments desired by the community.

**Goal 7: Adopt zoning strategies that will advance affordable housing production.**

Strategies:

- Perform an extensive assessment of the Town of Franklin Zoning Bylaw, Chapter 185 of Franklin Town Code. Specific attention will be shown to housing density, creating zoning related development incentives, assessing parking requirements, and other Zoning best practices.
- Consider increasing the density of residential units allowed by-right in Downtown Franklin and surrounding neighborhoods.
- Develop an Inclusionary Zoning Bylaw that incentivizes inclusion of affordable housing units in multifamily housing developments.
- Amend Zoning Bylaw Use and Dimensional Regulations.
- Amend Zoning regulations regarding parking space requirements to decrease development costs and allow additional housing units to be developed.

**Goal 8: Continue the funding and expansion of the Franklin Municipal Affordable Housing Trust for additional in-perpetuity affordable housing units.**

Strategies:

- Transfer Town-owned land to Franklin Affordable Housing Trust for creation of additional SHI housing units.
- Identify existing developed or underutilized properties that the Trust may be able to enhance and increase housing.

**Goal 9: Identify new funding sources and other resources for affordable housing production.**

Strategies:

- Identify Town-owned properties, as opportunities arise, that may be appropriate for affordable housing.
- Identify and apply for grants to support housing development.
- Apply annually for a Housing Choice Community grant to increase funding for affordable housing development.
- Adopt additional Housing Best Practices to improve chances of receiving a Housing Choice Community Capital Grant. A description of Housing Choice Best Practices is included in this document as Attachment H.

**Proposed Open Space Recreation Plan Update Schedule**

|   | Sept 2022 | Oct 2022 | Nov 2022 | Dec 2022 | Jan 2023 | Feb 2023 | Mar 2023 | Apr 2023 | May 2023 | Jun 2023 | Jul 2023 | Aug 2023 | Sep 2023 |
|---|-----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| DPCD Staff 2016 OSRP Implementation Review  |           |          |          |          |          |          |          |          |          |          |          |          |          |
| DPCD Staff Data Update                      |           |          |          |          |          |          |          |          |          |          |          |          |          |
| Staff Working Group Kickoff Meeting         |           | x        |          |          |          |          |          |          |          |          |          |          |          |
| Regular Staff Working Group Meetings        |           |          | x        | x        | x        | x        | x        |          |          |          |          |          |          |
| Conservation Meeting - Project Introduction |           | x        |          |          |          |          |          |          |          |          |          |          |          |
| Establish OSRP Update Committee             |           |          |          |          |          |          |          |          |          |          |          |          |          |
| Regular OSRP Update Committee Meetings      |           |          | x        | x        | x        | x        | x        | x        | x        | x        | x        | x        |          |
| OSRP Citizen Survey                         |           |          |          |          |          |          |          |          |          |          |          |          |          |
| Public Hearings                             |           |          |          |          | x        |          |          |          |          | x        |          |          |          |
| ADA Self Assessment                         |           |          |          |          |          |          |          |          |          |          |          |          |          |
| Goals & Objectives Development              |           |          |          |          |          |          |          |          |          |          |          |          |          |
| Draft OSRP Development                      |           |          |          |          |          |          |          |          |          |          |          |          |          |
| Draft ORRP Public Comment Period            |           |          |          |          |          |          |          |          |          |          |          |          |          |
| State Draft Plan Review                     |           |          |          |          |          |          |          |          |          |          |          |          |          |
| Preliminary Final OSRP Development          |           |          |          |          |          |          |          |          |          |          |          |          |          |
| Conservation Commission OSRP Endorsement    |           |          |          |          |          |          |          |          |          |          |          | x        |          |
| Town Council ORRP Endorsement               |           |          |          |          |          |          |          |          |          |          |          | x        |          |
| State Approval                              |           |          |          |          |          |          |          |          |          |          |          |          | x        |