



**Economic Development Subcommittee + Steering Committee Meeting  
Agenda & Meeting Packet  
February 15, 2023**

Meeting will be held at the **Municipal Building**  
2nd floor, Council Chambers  
355 East Central Street  
6:00 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:** February 15, 2023 EDC + Steering Committee Meeting Link [HERE](#) -- Then click "Open Zoom"
  - Or copy and paste this URL into your browser: <https://us02web.zoom.us/j/82063357573>
  - **Call-In Phone Number:** Call **1-929-205-6099** & enter Meeting ID: **820 6335 7573** then press #

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**Agenda:**

1. Accessory Dwelling Units legislation

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: ACCESSORY DWELLING UNITS**  
**CC: MARK G. CEREL, TOWN ATTORNEY; AMY LOVE, TOWN PLANNER;**  
**GUS BROWN, ZONING ENFORCEMENT OFFICER**  
**DATE: FEBRUARY 9, 2023**

Below is a summary of accessory dwelling unit zoning issues, as well as related draft recommendations for changes to the Zoning Bylaw.

### **What is an Accessory Dwelling Unit?**

An accessory dwelling unit (ADU), also commonly referred to as an “in-law apartment”, is a secondary dwelling unit on the same lot as a larger primary dwelling unit. The ADU may be attached to the existing home or detached in a small, separate building, such as a converted garage or a new building designed to match the built context. A typical ADU is between 250 and 1,200 square feet and has one or two bedrooms. Detached ADUs are usually required to be between six and ten feet from the primary dwelling unit.

ADUs provide a way to incrementally increase housing density in a way that is appropriate for existing neighborhoods. They are also a particularly good housing typology to meet the needs of seniors and people with disabilities who seek independence but still need support from family or other caregivers. 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.



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

Source: *The ABCs of ADUs*, AARP 2019

## **Current Permitting of ADUs in Franklin**

Franklin currently allows ADUs by-right in the General Residential V (GRV) and Commercial II Zoning Districts, and by special permit from the ZBA in several of the single-family districts, Downtown Commercial (DC) Zoning District, and Commercial I (CI) Zoning District. However, there is no specific definition for an ADU in the Town's Zoning Bylaw, and they are referred to as a "two-family by conversion" in the Zoning Bylaw's Use Regulation Schedule Part VI, Residential (Attachment 7).

Without a clear definition and guidance for regulating ADUs, owners may be unaware that an ADU could be allowed on their property. Allowing ADUs by-right or special permit in specific residential zoning districts allow for subtle increases in density without impacting the character of single-family neighborhoods.

When a homeowner determines that they want to construct an ADU, an application is then filed with the Building Department, and a permit is issued if the property is within a Zoning District that allows ADUs by-right, or the application is submitted to the Zoning Board of Appeals (ZBA) for a public hearing. A Special Permit decision is then issued by the ZBA.

In recent years, a number of communities in Massachusetts have passed zoning amendments to allow for and regulate accessory dwelling units. The municipalities include Lexington, Newton, Reading, Orleans, and Wellfleet. While these towns have made it easier to construct ADUs, none have experienced a large influx of landowners seeking to utilize the zoning tool.

## **Creating Zoning to Regulate ADUs**

The two most important issues to address permitting and regulation of ADUs are 1.) Creating a definition of ADU, and 2.) Adding the ADU use to the Use Regulation Schedule.

Additional regulation of ADUs can be added to the definition or use schedule if needed, but they can also be addressed in other sections of the Zoning Bylaw, including 185-39 Uses accessory to dwellings, or 185-19 Accessory buildings and structures.

### **Proposed Definition:**

The purpose of creating a definition for ADU's is to clearly define what an ADU is and how ADU's can be developed. If a definition is added to the Town's Zoning Bylaw a minimum amount of regulation should be developed.

**Accessory Dwelling Unit (ADU):** A self-contained Dwelling Unit, inclusive of sleeping, cooking, and sanitary facilities, incorporated within a lawful principal single-family dwelling or within a detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use. The owner of record shall live on the property. The ADU shall maintain two means of egress, either directly from the outside, or through an entry hall or corridor shared with the principal dwelling, sufficient to meet the requirements of the state building code.

## Proposed Use Regulation Schedule Changes:

Town staff recommend adding the “Accessory Dwelling Unit” use into the residential use regulation schedule - Use Regulation Schedule Part VI, Residential (Attachment 7).

### 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.

Principal Uses	District							
	RRI RRII RVI RVII	SFRIII	SFRIV	GRV	NC	CI	CII	DC
6. Residential								
6.1 Multifamily or apartment	N <sup>1</sup>	N	N	PB <sup>3</sup>	PB <sup>4</sup>	PB <sup>3</sup>	N	Y <sup>5,6</sup>
6.2 Single-family	Y	Y	Y	Y	Y	Y	Y	N
6.3 Two-family								
a. New	N	N	Y <sup>2</sup>	Y <sup>2</sup>	Y <sup>2</sup>	Y	Y	N
b. By conversion	BA	BA	BA	Y	Y	BA	Y	BA
<b>c. Accessory Dwelling Unit</b>	<b>BA</b>	<b>BA</b>	<b>BA</b>	<b>Y</b>	<b>Y</b>	<b>BA</b>	<b>Y</b>	<b>BA</b>

NOTES: Not all Zoning Districts are shown above. Only districts allowing residential uses.

1. Except PB in RVI District. (See § 185-38.)

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 square feet of lot area may be permitted.

4. No more than one dwelling unit per 3,000 square feet of lot area may be permitted.

5. All dwelling units shall be located on floors above the street level floor.

. 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.

Uses requiring special permits must meet certain criteria, which are outlined in Chapter 185-45. See attached.

## Consideration of Other Zoning Issues

In order to develop Zoning Bylaw amendments that are fair to property owners and adjacent property owners, incrementally increase housing density, and at the same time do not over regulate the creation of ADUs, the Town should carefully consider certain zoning related issues. This will ensure ADUs are only built on properties where they can be appropriately accommodated.

Below are a few issues for consideration:

Regulation of Stand-alone Accessory Structures. ADUs incorporated within a lawful principal single-family dwelling structure are less likely to negatively impact abutting property owners. If a new detached building is constructed for an ADU, additional consideration should be given to the size and placement on the lot. Accessory buildings must be incidental, subordinate and reasonably related to the principal building on the property (See Accessory Building or Structure definition in Section 185-3).

Where a property owner wishes to construct a stand-alone accessory dwelling unit they must abide by Chapter 185-19B as follows:

The following setbacks shall apply to all accessory buildings and structures, unless otherwise regulated in other sections of Chapter 185:

- (1) No accessory building or structure shall be located within a required front yard setback. Lots having frontage on any street will maintain the front yard setback from all street frontage.
- (2) No accessory building or structure shall be located in any side yard area nearer to the side lot line than 10 feet in any zoning district.
- (3) No accessory building or structure shall be located in a rear yard nearer to the rear lot line than 10 feet.
- (4) No accessory building or structures shall be less than a distance equal to the common building height to common grade to any rear or side lot line.
- (5) No accessory buildings or structures of any size shall be closer than 10 feet to any principal building, or other accessory building or structure.

In some Zoning Districts the Town may want to increase setbacks for stand-alone ADUs.

Separate Utilities. ADUs must use the same public utilities as the primary single family dwelling, including in the case of a new stand-alone ADU.

Parking requirements. Should the Town require an additional off-road parking space for ADUs? You may want in certain zoning districts.

Size of Unit. Should the Town limit the size of an ADU, either to a specific number of square feet, or a percentage of the primary residential structure?

Lot Size. Should the Town require properties with ADUs to be larger than what is currently required for a single family home? On smaller lots the property owners may find it difficult to construct an addition or a stand-alone accessory structure without negatively impacting adjacent property owners.

#### **A Note on AirB&B and similar Commercial Uses**

An ADU is regulated as an accessory use, which is a use of land found on the same parcel as the principal use, but incidental, subordinate and reasonably related to the principal use. ADUs that are on single family lots are not a commercial use. They are accessory to the primary residential use. Property owners wishing to rent a room or accessory housing unit to visitors (transients) can seek a “Tourist Home” special permit in certain zoning districts.

The Tourist Home definition is as follows:

Tourist Home. A building of residential character with a resident family, offering lodging with or without meals to transients for compensation.

See Accessory Building or Structure definition in Section 185-3, and Use Regulation Schedule Part II, Residential (Attachment 3) for more information.

### **Criteria to Meet for a Special Permit**

Uses requiring special permits must meet certain criteria, which are outlined in Chapter 185, Section 45E(3). See below.

#### **185-45 Administration and enforcement**

##### **E. Special permits.**

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

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