

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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MEMORANDUM

TO: FRANKLIN PLANNING BOARD

FROM: BRYAN W. TABERNER, AICP, DIRECTOR

**RE: ZONING BYLAW AMENDMENTS 23-894, 23-895R, AND 23-896,
ACCESSORY DWELLING UNITS**

**CC: JAMIE HELLEN, TOWN ADMINISTRATOR; MARK G. CEREL, TOWN ATTORNEY;
AMY LOVE, TOWN PLANNER; GUS BROWN, ZONING ENFORCEMENT OFFICER**

DATE: APRIL 13, 2023

At their April 12, 2023 meeting Franklin Town Council voted to refer three accessory dwelling unit (ADU) related zoning bylaw amendments to the Planning Board for a public hearing. Before voting to refer to the Planning Board, the Council voted to make one revision to Zoning Bylaw Amendment 23-895, which has been renamed 23-895R. Below is a summary of ADU zoning, and the proposed zoning bylaw amendments.

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. 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

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, but also for young adults without the income needed for a market rate housing unit. And ADUs can help

homeowners to stay in their homes because they are able to generate additional income by renting out an ADU.

Recent Planning Related to Housing

One of the recommendations from the Town's "Franklin For All" project is to "Create a new definition for 'accessory dwelling units' (ADUs) and allow them by-right" in certain zoning districts. In addition, the Town's 2022 Housing Production Plan contains strategies related to increasing the number of small housing units, including the following:

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.

Increasing the number of ADUs would allow for subtle increases in density without impacting the character of single-family neighborhoods.

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 Zoning Board of Appeals (ZBA) special permit in several of the single-family residential districts, and the Downtown Commercial (DC) and Commercial I (CI) Zoning Districts. However, there is no specific definition for an ADU, and they are currently referred to as a "two-family by conversion" in the Zoning Bylaw's use regulations (185 Attachment 7, Use Regulation Schedule Part VI). Franklin's ZBA and the Zoning Enforcement Agent have managed the creation of ADUs in this manner for more than two decades.

Special Permits

Any resident seeking a ZBA special permit for an ADU will be required to meet standard special permit requirements outlined in Chapter 185, Section 45E(3). A list of the special permit requirements are listed on the next page for reference.

Proposed Zoning Changes

In addition to creating a definition, a minimum amount of related regulation should be added to the Town's Zoning Bylaw to ensure ADUs are only built on properties where they can be appropriately accommodated. The Department of Planning and Community Development has created three draft Zoning Bylaw amendments for consideration:

Zoning Bylaw Amendment 23-894 adds an Accessory Dwelling Unit definition to §185-3 Definitions.

Zoning Bylaw Amendment 23-895R adds Accessory Dwelling Units to §185, Attachment 8, Use Regulation Schedule Part VII, Accessory Uses.

Zoning Bylaw Amendment 23-896 adds a subsection related to accessory dwelling units within detached buildings to §185-19 Accessory buildings and structures.

The three proposed Zoning Bylaw amendments are attached. Please let me know if you have questions or need additional information. We look forward to discussing the proposed Zoning Bylaw Amendments with the Planning Board.

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.

(4) Conditions. Special permits may be granted with such reasonable conditions, safeguards or limitations on time or use as the special permit granting authority may deem necessary to serve the purposes of this chapter.



SPONSOR: *Town Administration*

TOWN OF FRANKLIN

**ZONING BY-LAW AMENDMENT 23-894:
CHANGES TO §185-3. DEFINITIONS**

ACCESSORY DWELLING UNIT DEFINITION

**A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 3
OF THE CODE OF THE TOWN OF FRANKLIN**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended at section §185-3 Definitions by **adding** the following text:

§185-3. Definitions

Accessory Dwelling Unit (ADU): A self-contained Dwelling Unit, inclusive of sleeping, cooking, and sanitary facilities, incorporated within a lawful principal single-family or two-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 or two-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. The ADU shall be no smaller than what is allowed by State Building Code Regulations, no larger than 900 sq/ft or 50% of the principal unit, whichever is less, and shall contain no more than two (2) bedrooms. All public utilities shall be shared with the primary residence.

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.

DATED: _____, 2023

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

**Nancy Danello, CMC
Town Clerk**

**Glenn Jones, Clerk
Franklin Town Council**



SPONSOR: *Town Administration*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 23-895R**

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, ATTACHMENT 8, USE REGULATIONS SCHEDULE PART VII:
ACCESSORY 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** and **deletions** to §185, Attachment 8, Use Regulation Schedule Part VII, Accessory Uses:

185 Attachment 8
USE REGULATION SCHEDULE
PART VII

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.

Accessory Uses	District														
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O	MBI
A1 Boarding	N	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	N	N	N
A2 Contractor's yard	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
a. Landscape materials storage and distribution	N	N	N	N	N	Y ³	Y ³	N	N	N	Y	Y	N	N	N
A3 Home occupation (See § 185-39B.)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N
A4 Manufacture, assembly, packing of goods sold on premises	N	N	N	N	N	Y ¹	N	Y ¹	Y ¹	Y ¹	Y	Y	N	Y ¹	Y
A5 Off-street parking (See § 185-39C.)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
A6 Professional office, studio (See § 185-39A.)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
A7 Restaurant, bar	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y
A8 Retail sale of nonagricultural products manufactured, warehoused or manufactured, warehoused or distributed on or from premises	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y ²	N	Y ²	Y
A9 Scientific use in compliance with § 185-37	BA	BA	BA	BA	BA	BA	N	BA	BA	BA	Y	Y	Y	Y	Y
A10 Signs (See § 185-20.)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
A11 Single-family dwelling for personnel required for safe operation	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	N
A12 Other customary accessory uses	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
A13 Other retail sales, services	N	N	N	N	N	Y	N ⁴	Y	Y	Y	Y	Y	Y	Y	Y
A13.1 Animal grooming	BA	BA	BA	BA	BA	BA	N	Y	BA	Y	BA	BA	BA	BA	BA
A14 Operation of not more than 5 automatic amusement devices	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	Y
A15 Warehouse/distribution facility	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	Y	Y
A16 Wholesale office, salesroom															
a. With storage	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	Y	Y
b. Without storage	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y ²	Y	Y
A17 Catering	N	N	PB	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y	Y
A18 Function hall	N	N	PB	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y	Y
A19 Ground-mounted Solar Energy System ⁵															
a. Small-scale	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
b. Medium-scale ⁶	PB	PB	PB	PB	PB	N	PB	N	PB	N	PB	Y	N	PB	<u>PB</u>
A20 Agricultural with Poultry, parcel under 5 acres ⁷	<u>Y⁵</u>	<u>Y⁵</u>	<u>Y⁵</u>	<u>Y⁵</u>	<u>Y⁵</u>	<u>Y⁵</u>	<u>Y⁵</u>	N	N	N	N	N	N	N	<u>N</u>
A21 Accessory Dwelling Residential Unit⁵	<u>Y</u>	<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

NOTES:

1. But N if occupying more than 50% of the floor area occupied by the principal use and not more than five persons employed on the premises in the DC District and CI District and not more than 10 persons in the CII District and O District.
2. Provided that no more than 25% of the total floor space is used for display or retailing.
3. Such uses shall be restricted to seasonal operations only.
4. Accessory retail sales within a Country Store, as defined in §185-3, shall not exceed 50% of the establishment's floor area open to the public.
5. See §185-19, "Accessory buildings and structures".
6. Planning Board Site Plan Review is required of all Medium-scale Ground-mounted Solar Energy Systems.
7. Any related structure shall be to the rear of the property's primary building, and at least 25 feet from side and rear property lines.

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.

DATED: _____, 2023

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: ____ **ABSENT:** ____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council



TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 23-896:
CHANGES TO §185-19. ACCESSORY BUILDINGS AND STRUCTURES
ACCESSORY DWELLING UNIT SETBACKS

A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 19
OF THE CODE OF THE TOWN OF FRANKLIN

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended at section §185-19 Accessory buildings and structures by **adding** the following text:

§185-19. Accessory buildings and structures

- A. Purpose. The purpose of this Bylaw is to provide for the reasonable regulation and control of accessory buildings and structures within the Town of Franklin in order to protect the health, safety, and welfare of its residents, without unduly restricting the conduct of lawful enterprise.
- B. Setback requirements and height restrictions. 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.
 - (6) Accessory Dwelling Units within a detached building shall be located no closer to rear or side lot lines than stated in §185-19.B (1)-(5) above, or as stated in §185 Attachment 9 Schedule of Lot, Area, Frontage, Yard and Height Requirements, whichever is greater.**

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.

DATED: _____, 2023

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4907
www.franklinma.gov

PLANNING BOARD

The following notice will be published in the Milford Daily Newspaper once on Monday, April 24, 2023 and again on May 1, 2023

FRANKLIN PLANNING BOARD PUBLIC HEARING NOTICE

In accordance with the provisions of M.G.L. Chapter 40A, Section 5, notice is hereby given that the Planning Board will hold a Public Hearing on Monday, May 8, 2023 at 7:00 PM and the Town Council will hold a Public Hearing on June 7, 2023 at 7:00 PM to consider several amendments to Chapter 185 of the Code of the Town of Franklin as follows:

ZONING BY-LAW AMENDMENT 23-894: A Zoning By-law to amend Chapter 185 Section 3 of the Code of the Town of Franklin to add Accessory Dwelling Unit (ADU) Definition

ZONING BY-LAW AMENDMENT 23-895R: A Zoning By-law to amend Chapter 185, Attachment 8, Use Regulations Schedule Part VII: Accessory Uses of the Franklin Town Code to add Accessory Dwelling Residential Units.

ZONING BY-LAW AMENDMENT 23-896: A Zoning By-law to amend Chapter 185 Section 19 of the Code of the Town of Franklin to add text on Accessory Dwelling Unit Setbacks

The exact text of these proposed zoning bylaw amendments are posted on the website along with the hearing notice.

Please contact the Department of Planning & Community Development at (508) 520-4907 if you require further information or if you need to make arrangements to provide translation services for the hearing impaired, or for persons with language barriers.

Copies of the plan and supporting documentation may be reviewed in the Department of Planning & Community Development during regular office hours.

Greg Rondeau, Chairman