



**Economic Development Subcommittee
Agenda & Meeting Packet**
April 10, 2024

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

A NOTE TO RESIDENTS: All citizens are welcome to attend public meetings in person. To **view the live meeting remotely**, citizens are encouraged to watch the live stream on the [Franklin Town Hall TV YouTube channel](#) or the live broadcast on Comcast Channel 9 and Verizon Channel 29. Meetings are also archived by Franklin TV on the [Franklin Town Hall TV YouTube channel](#) and shown on repeat on Comcast Channel 9 and Verizon Channel 29 for those who miss the live meeting.

To **listen to the meeting remotely** citizens may call-in using this number: 1-929-205-6099. This will not permit participation in the meeting.

To **participate in the meeting remotely** citizens are able to join a [Zoom Webinar](#) using the information provided below.

- Zoom Webinar ID # 827 5079 4482
- Zoom Webinar Link [HERE](https://us02web.zoom.us/j/82750794482) (<https://us02web.zoom.us/j/82750794482>)
- **Any participants who wish to speak** during the webinar must enter their **full name and email address** when joining the webinar.
- All participants will be automatically muted upon joining the webinar. In order to speak, participants - who have entered full name and email address - will need to select the "Raise Hand" function to request to be unmuted.
- All speakers will be required to state their full name and street address before commenting.

Agenda:

1. "MBTA Communities" compliance update and
 - a. [DPCD Staff Memo](#)
 - b. Recommended zoning bylaw amendments:
 - i. [Downtown Commercial Parking Revision in Chapter 185, Parking](#)
 - ii. [Mixed Use Definition in Chapter 185-3 Definitions](#)
 - iii. [Adding "Mixed Use" as a use in Chapter 185, Attachment 7](#)

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

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FRANKLIN, MA 02038-1352
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MEMORANDUM

TO: JAMIE HELLEN, TOWN ADMINISTRATOR
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: MBTA COMMUNITIES COMPLIANCE UPDATE, & RECOMMENDED ZONING BYLAW AMENDMENTS
CC: AMY FRIGULIETTI, DEPUTY TOWN ADMINISTRATOR; MARK CEREL, TOWN ATTORNEY;
GUS BROWN, ZONING ENFORCEMENT OFFICER; AMY LOVE, TOWN PLANNER
DATE: APRIL 4, 2024

As you know, in 2021 the Massachusetts Legislature adopted an Economic Development Bond Bill that made changes to the State’s Zoning Act. The Housing Choices sections of the bill included adding a new Section 3A that requires each municipality in the MBTA district to zone for by-right multifamily housing. In general, Section 3A includes the following guidelines:

- MBTA communities will have a zoning by-law that provides for at least one (1) district of “reasonable size” in which multi-family housing is permitted as of right.
- Zoning allowing by-right multi-family housing within these so-called 3A Districts cannot have age restrictions and must be suitable for families with children.
- MBTA communities that fail to comply with Section 3A requirements are not eligible for funds from the Housing Choice Initiative, the Local Capital Projects Fund, or the Massworks infrastructure program (and other grant programs that were added more recently).
- In general, 3A Districts of reasonable size will have a minimum gross density of 15 housing units per acre, and be located within 0.5 miles of a commuter rail station.

In consultation with the MBTA and Mass DOT, the Executive Office of Housing and Livable Communities (formerly DHCD) created guidelines to determine if an MBTA community is in compliance with Section 3A. Released in August 2022 and updated twice since, the regulations are contained in “Compliance Guidelines for Multi-family Zoning Districts” (<https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>). As part of that work a “compliance model” to assess if a communities zoning meets the 3A requirements was created.

Below is a table outlining the Town of Franklin’s Section 3A requirements taken from the Compliance Guidelines.

Community: Franklin Community Category: Commuter Rail

Minimum multi-family unit capacity ¹	Minimum land area of District	Percent of district to be located in station area ²
1,883 Units	50 acres	At least 75 percent

1.) Minimum multi-family unit capacity equals 15 percent of the number of housing units in Franklin at time of the 2020 U.S. Census.

2. The Station area is a half-mile circle around the MBTA commuter rail station.

To summarize the Town of Franklin's Section 3A District/MBTA Communities multifamily zoning requirements, the Town is required to amend its Zoning Bylaw to assure it has one or more zoning districts that in total would allow a minimum multi-family unit capacity of 1,883 housing units by-right, seventy-five percent of which must be located not more than 0.5 miles of the MBTA station.

MBTA Communities Compliance Assessment

This section of the memorandum provides a summary of the reasons the Town of Franklin is not in compliance with Section 3A District/MBTA Communities multifamily zoning requirements, as well as a description of related Zoning Bylaw Amendments passed by Town Council in recent years. A description of Zoning Bylaw amendment recommendations begin on the next page.

The Department of Planning & Community Development (DPCD) requested the assistance of Metropolitan Area Planning Council (MAPC) staff to assess the Town's zoning regulations as it relates to the Section 3A District/MBTA Communities requirements. MAPC used the required compliance model to evaluate the Town of Franklin's Downtown Commercial (DC), General Residential V (GRV) and Commercial I (CI) zoning districts. When the compliance regulations came out in August 2022 the Town of Franklin did not have any zoning districts that met Section 3A District/MBTA Communities multifamily zoning requirements. There are three main reasons:

- By-right multifamily housing in CI and GRV zoning districts were not allowed. A special permit from the Planning Board was required. This needed to change or CI and GRV zoning districts could not be included in the MBTA Communities multifamily district. DPCD staff believed by making this change the Town should be able to meet the minimum multi-family unit capacity of 1,883 housing units.
- The MBTA Communities compliance model uses data based on assumptions about a community's zoning, resulting in a lower minimum multi-family unit capacity than what DPCD staff believe is possible. These assumptions relate to parking requirements, open space and setback requirements, lot size nonconformance, and maximum impervious coverage requirements. The maximum impervious coverage allowed in GRV was seen as one of the biggest problems identified by the compliance model.
- The Town's DC zoning district does allow multifamily housing by-right, up to one housing unit per 2,000 square feet of lot area, which must be located on floors above the street level floor. The original Section 3A District/MBTA Communities multifamily zoning requirements did not allow communities to require housing be only in the upper floors, therefore the multifamily housing in DC could not be counted towards MBTA Communities compliance. In one of the updates to the "Compliance Guidelines for Multi-family Zoning Districts" the upper level multifamily housing could be counted as long as the zoning regulations do not require a specific number of onsite parking for nonresidential uses. Franklin's Zoning Bylaw does require onsite parking for nonresidential uses, so we still cannot count by-right multifamily housing in DC towards MBTA Communities compliance.

Since 2022 the Town Council has approved a variety of Zoning Bylaw Amendments related to housing density, affordable housing and related regulations. Two Zoning Bylaw Amendments directly relate to the MBTA requirements:

Zoning Bylaw Amendment 23-889 made changes to §185, Attachment 7, Part VI, Use Regulation Schedule: Residential Uses, Multifamily or Apartment, allowing multifamily housing in the CI and GRV zoning districts by-right, up to 1 unit per 2,250 SF of lot area.

Once Zoning Bylaw Amendment 23-889 was approved, DPCD asked MAPC to provide an update on the Town's MBTA Communities status. MAPC used the compliance model to evaluate the Town of Franklin's

GRV and CI zoning districts. According to the evaluation, the Town could only reach 1,346 of our required 1,883 Minimum multi-family unit capacity.

Zoning Bylaw Amendment 23-898R made changes to §185, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements, increasing the Maximum Impervious Coverage in GRV.

Once the Zoning Bylaw was approved by Town Council, DPCD again asked MAPC to run the compliance model to evaluate the Town of Franklins GRV and CI zoning districts. According to the evaluation from October 2023 the Town could only reach roughly 1,400 of our required 1,883 minimum multi-family unit capacity. DPCD worked with MAPC on suggested changes to data inputs for the compliance model and as of February 2024 the Town has reached 1,515 of our required 1,883 Minimum multi-family unit capacity.

More recently DPCD performed its own assessment using the Town of Franklin's process for calculating potential multifamily housing units; this assessment would give us 1,903 potential multifamily housing units (543 in CI & 1,363 GRV), which is just a few housing units more than required. Given the large difference between the State's compliance model and what DPCD believes is the accurate number, DPCD does not believe it can comply without including the DC zoning district to our total, which requires additional zoning changes.

Recommended Zoning Bylaw Amendments

DPCD recommends eliminating the requirement for onsite parking for nonresidential uses for mixed use developments in the DC zoning district. Given Franklin's Zoning Bylaw does not include regulation specific to mixed use developments, Zoning Bylaw changes should include adding a definition for Mixed Use Development, which is a task that DPCD would be working on anyway in the near future. Recommendation #3 from the Franklin For All project is Create a new definition in the zoning bylaw for "mixed-use development".

DPCD recommends the following amendments:

Zoning Bylaw Amendment 24-A, Changes to §185-3. Definitions, adds a definition for Mixed Use Development.

Zoning Bylaw Amendment 24-B, Changes to §185-21 Parking, Loading and Driveway Requirements, removes minimum parking space requirements for nonresidential uses within Mixed Use Developments in the DC Zoning District.

Zoning Bylaw Amendment 24-C, §185 Attachment 7. Part VI, Use Regulation Schedule: Residential Uses, adds Mixed Use Development to the use regulations schedule.

Attached are the three proposed zoning bylaw amendments for consideration. If the Economic Development Subcommittee supports the attached Zoning Bylaw Amendments I request it sends to the Town Council for review and consideration. Please let me know if you have questions or require additional information on any of the above issues.



**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 24-B**

Changes to §185-21 Parking, Loading and Driveway Requirements.

**A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 21
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 by the following **deletions** and **additions** to §185-21. Parking, Loading and Driveway Requirements, sub-sections A and B:

B. Parking schedule. The number of parking spaces required for a particular use shall be as follows:

- ~~(1) — In the Downtown Commercial Zoning District:~~
 - ~~(a) — Residential dwelling units: 1.5 parking spaces per residential unit in a mixed use development.~~
 - ~~(b) — Non-residential uses: one space per 500 square feet of gross floor area.~~
- (1) In the Downtown Commercial Zoning District:**
 - (a) Residential dwelling units: 1.5 parking spaces per residential unit.**
 - (b) Non-residential uses: one space per 500 square feet of gross floor area.**
 - (c) Mixed Use Development**
 - i. Residential dwelling units: 1.5 parking spaces per residential unit.**
 - ii. Nonresidential uses within a mixed use development in the Downtown Commercial Zoning District are exempt from this section (§185-21.B).**
- (2) In the Commercial I Zoning District:
 - (a) Residential dwelling units: 1.5 parking spaces per residential unit.
 - (b) Non-residential uses: one space per 500 square feet of gross floor area.
- (3) All Other Zoning Districts:
 - (a) Residential buildings:
 - i. Dwelling units, regardless of the number of bedrooms: two spaces.
 - ii. Guest houses, lodging houses and other group accommodations: one space per guest unit.
 - iii. Hotels and motels: 1 1/8 spaces per guest unit.
 - (b) Nonresidential buildings: (Gross floor area is measured to the outside of the building, with no deductions for hallways, stairs, closets, thickness of walls, columns or other features.)
 - i. Industrial buildings: except warehouses: one space per 400 square feet of gross floor area.
 - ii. Retailing, medical, legal and real estate offices: one space per 200 square feet of gross floor area, plus one space per separate enterprise.

- iii. Other offices and banks: one space per 250 square feet of gross floor area.
- iv. Restaurants, theaters and assembly halls:
 - a) One space per 2.5 fixed seats.
 - b) One space per 60 square feet of gross floor area, if seats are not fixed.
- v. Recreation facilities: 0.8 space per occupant at design capacity.
- vi. Warehouses: one space per 1,000 square feet of gross floor area.

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: _____, 2024

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 24-A
CHANGES TO §185-3. DEFINITIONS
MIXED USE DEVELOPMENT 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

Mixed Use Development - A development on a single parcel containing either more than one non-residential uses, or a combination of nonresidential and residential uses. Uses allowed within a Mixed Use Development for specific Zoning Districts are detailed in Use Regulations Schedule Parts I through VII (see Attachments 2 through 8).

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: _____, 2024

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 24-C**

**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**) 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 RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O	MBI
6. Residential															
6.1 Multifamily or Apartment															
a. With Four or More Housing Units ⁴	N ¹	N	N	Y ^{2,3}	PB ^{2,8}	N	Y ^{2,3}	N	Y ^{5,6}	N	N	N	N	PB ^{7,8}	N
b. With Three Housing Units	N	N	PB ²	Y ²	Y ²	N	Y ²	Y	Y	N	N	N	N	N	N
<u>c. As Part of Mixed Use Development</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PB^{2,3}</u>	<u>PB^{2,8}</u>	<u>N</u>	<u>Y^{2,3}</u>	<u>N</u>	<u>Y^{5,6}</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PB^{7,8}</u>	<u>N</u>
6.2 Single-family	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N
6.3 Two-family															
a. New	N	N	Y ²	Y ²	Y ²	N	Y	Y	N	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 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 2,250 square feet of lot area may be permitted; additional dwelling units may be allowed by Special Permit from the Planning Board.
4. All multifamily developments with 10 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.

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: _____, 2024

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council