

**Economic Development Subcommittee + Steering Committee Meeting
Agenda & Meeting Packet**
January 25, 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:** January 25, 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/82474383439>
 - **Call-In Phone Number:** Call **1-929-205-6099** & enter Meeting ID: **824 7438 3439** then press #

Agenda:

1. Zoning - Inclusionary Zoning
 - a. 22-889: Use Regulations Schedule - Residential
 - i. September 15, 2022 DCPD Memo & Staff Recommendation
 - ii. Map of a half mile circle from the train station
 - iii. Sample of a 40,000 square foot development in GRV
2. Initial Discussion: Accessory Dwelling Units

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

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**

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 RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O	MBI
6. Residential															
6.1 Multifamily or Apartment	N¹	N	N	PB³	PB⁴	N	PB³	N	Y^{5,6}	N	N	N	PB^{7,8}	N	
a. With Four or More Housing Units⁴	<u>N¹</u>	<u>N</u>	<u>N</u>	<u>Y^{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>PB^{7,8}</u>	<u>N</u>	
b. With Three Housing Units	<u>N</u>	<u>N</u>	<u>Y²</u>	<u>Y²</u>	<u>Y²</u>	<u>N</u>	<u>Y²</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</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 (~~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.

DATED: _____, 2022

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

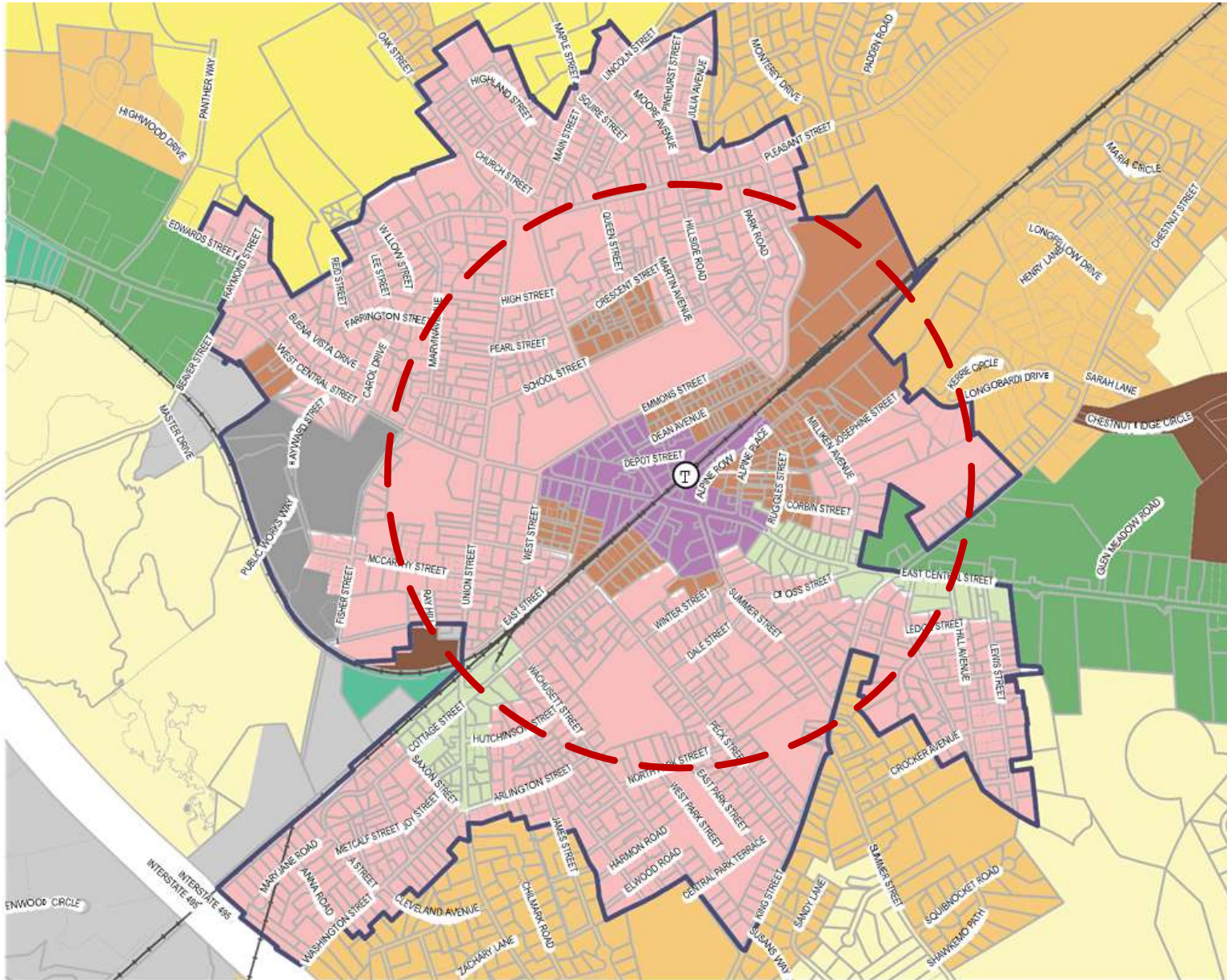
ABSTAIN: ____ **ABSENT:** ____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

Franklin Center Zoning Districts



Study Area

Zoning Districts:

- B
- C1
- C2
- DCD
- GR5
- IND
- MBI
- R6
- RR1
- RR2
- SF3
- SF4

The information depicted on this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analyses.

Produced by:
Metropolitan Area Planning Council
60 Temple Place, Boston, MA 02111
(617) 933-0700

Data Sources: MAPC, MassGIS, MassDOT, Town of Franklin

January 2022



Diagram shows a half mile radius circle around the MBTA Commuter Rail Station building.

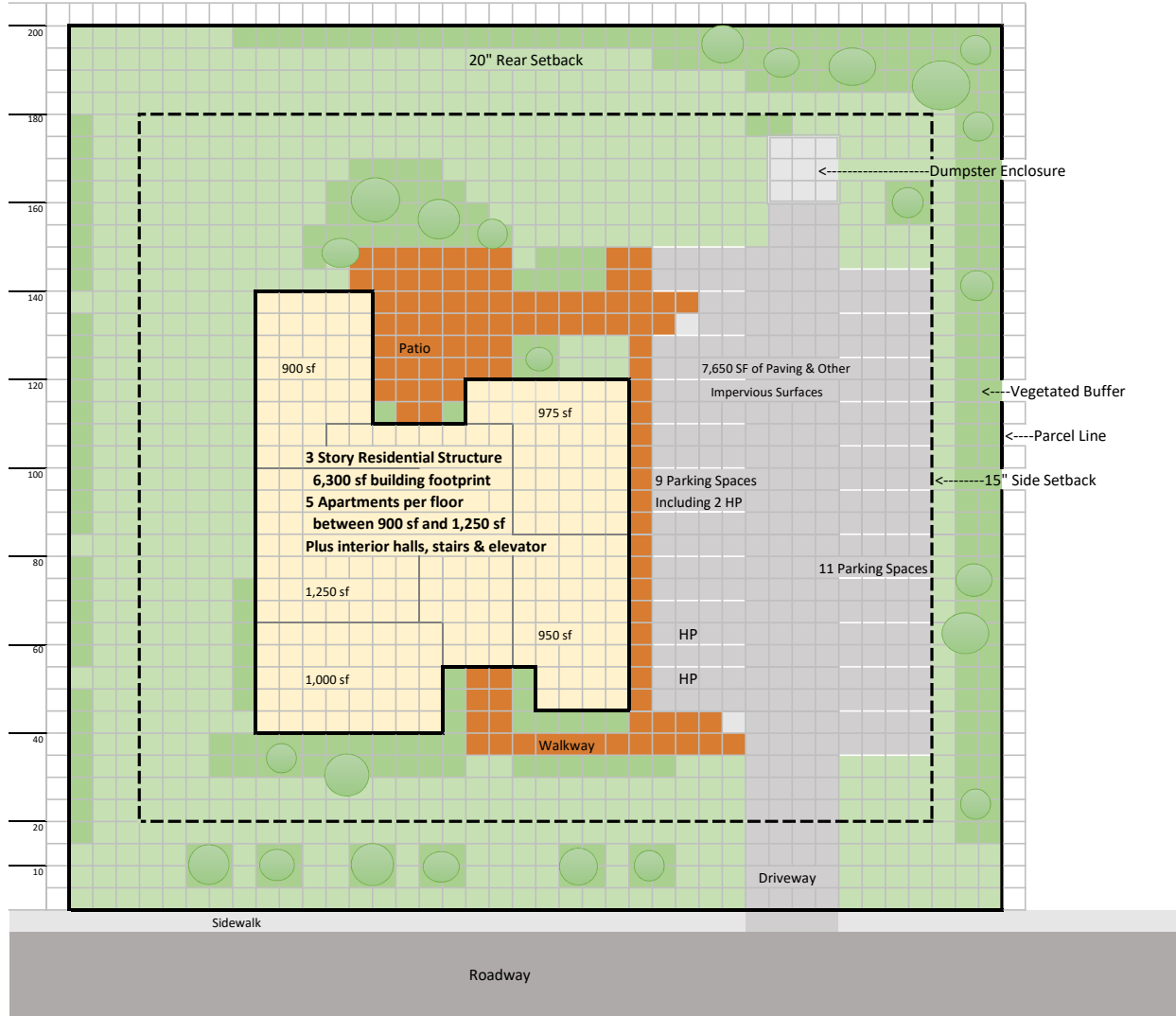
A circle with a 1 mile diameter is 502.6 acres. The majority of land within the circle is zoned SFRIV (pink).

All of the DC Zoning District (purple) is within the circle, roughly 95% of the GRV Zoning District (brown), and half of the CI Zoning District (light green).

MBTA Commuter Rail Community - Minimum Multifamily Unit Capacity = 1,883 - 75% of MBTA Multifamily Zone to be in Station Area

General Residential V (GRV) Multifamily Housing Assessment

How many Housing Units can be permitted, if the Proposed 1 Housing Unit per 2,750 sf of Lot Area is Approved.



Zoning Regulations

Current Dimensional Regulations

Minimum Lot Area	10,000 SF
Minimum Frontage	100 feet
Minimum Front & Rear Setback	20 feet
Minimum Side Setbacks	15 feet
Maximum Impervious, Buildings	30 percent
Maximum Impervious, Buildings & Paving	35 percent
Maximum Building Height	3 Stories (or 35')

Current Use Regulations

Multifamily Housing Units (May be permitted by Planning Board Special Permit)	Up to 1 Unit per 1,000 sf of Lot Area
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Proposed Use Regulations

Multifamily Housing Units <u>By-Right</u> . Additional Units may be allowed by Planning Board Special Permit	1 Housing Unit per 2,750 sf of Lot Area
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Example Development

Lot Area	40,000 sf
Buildable Area within Setbacks (27,200 sf = 68% of 40,000 sf lot area).	27,200 sf

Maximum Impervious for 40,000 sf Upland Area	Impervious SF
Buildings Only (30%)	12,000 sf
Buildings & Paving (35%)	14,000 sf

Proposed Development	Impervious SF
3 Story Residential Building Footprint	6,300 sf
Additional impervious surfaces	7,650 sf
Total Impervious Surface	13,950 sf

Multifamily Housing Units Permitted	
40,000 sf lot / 2,750 sf lot area per unit	14.545 units
Round up to 15 housing units by-right.	

Required Parking Spaces	
2 Units per Housing Unit per Zoning Bylaw	30 Spaces
20 Spaces shown in above diagram	
Developer would request a Planning Board waiver of 10 spaces.	