

**Economic Development Subcommittee
Agenda & Meeting Packet**
June 7, 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. The meetings will also be [live-streamed by Franklin TV](#) and shown on Comcast Channel 11 and Verizon Channel 29. Recordings of meetings are available on Franklin TV's "[Franklin Town Hall TV](#)" YouTube channel. Additionally, in an effort to maximize citizen engagement opportunities, citizens will be able to continue to participate remotely via phone OR Zoom.

Link to access meeting June 7, 2023 EDC Meeting:

- Meeting Link [HERE](#) -- Then click "Open Zoom"
- Or copy and paste this URL into your browser: <https://us02web.zoom.us/j/83348058388>
- **Call-In Phone Number:** Call **1-929-205-6099** & enter Meeting ID: **833 4805 8388** then press #

Agenda:

1. NuStyle property update
2. GRV Zoning amendment proposal
 - a. Staff Memo & Draft Zoning amendment
3. Marijuana Overlay District Housecleaning
 - a. Staff Memo & Draft Map

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 BYLAW AMENDMENT 23-898: CHANGES TO §185, ATTACHMENT 9,
SCHEDULE OF LOT, AREA, FRONTAGE, YARD AND HEIGHT REQUIREMENTS**
**CC: MARK G. CEREL, TOWN ATTORNEY; AMY LOVE, TOWN PLANNER;
GUS BROWN, ZONING ENFORCEMENT OFFICER**
DATE: MAY 16, 2023

During the months long process of drafting, editing and eventual approval of Zoning Bylaw amendments 23-889 (Multifamily Housing Density) and 23-890 (Inclusionary Zoning), the substantial public input process was very important in identifying zoning related concerns that needed to be addressed. Some concerns were addressed within the approved zoning bylaw amendments and others may be best addressed during the Master Plan update process. However, there are two small Zoning Bylaw changes that the Department of Planning & Community Development (DPCD) believes should be implemented in the near future. Below is a short summary of the two issues and proposed changes.

Recent Changes to Multifamily Housing Density

Zoning Bylaw Amendment 23-889 made several small changes to Part VI of the Use Regulations tables at §185 Zoning Bylaw, Attachment 7. Most importantly, the Town now allows multifamily housing in the Commercial I (CI) and General Residential V (GRV) zoning districts by-right, up to 1 unit per 2,250 SF of lot area. This change is expected to increase the number of small multifamily developments within CI and GRV by defining the size development the Town will allow by right; additional density may be allowed by Planning Board special permit.

Another important change in Zoning Bylaw Amendment 23-889 was replacement of one row in the Residential Use Regulations table with two rows, which now 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 Multifamily use into two allows a 3-unit development to be allowed in certain districts where other larger multifamily developments are not, resulting in incremental increases to housing density in the CI, GRV, Downtown Commercial and Single Family Residential IV zoning districts. In order for these increases in housing density to become reality related zoning regulations will need to be modified.

Related Zoning Regulation

Attachment 9 of Franklin's Zoning Bylaw is a schedule of required dimensional regulations for parcels within the different zoning districts. It provides required minimum dimensions for lot size, frontage, lot width, lot depth, and front, side and rear setbacks, as well as maximum dimensions on building height

and impervious coverage. It also includes several notes to further refine the required regulations in specific zoning districts.

CI Mixed-use Development. Dimensional requirements outlined in Attachment 9 for properties within the CI zoning district are much less restrictive than most other zoning districts. The reasons for the less restrictive dimensional regulation are the small size of most parcels within CI, and a desire to incentivize mixed-use developments. To further incentivize mixed-use, proposed developments in CI that only include multifamily housing are required to observe the dimensional requirements of the GRV zoning district.

As mentioned above, Zoning Bylaw Amendment 23-889 divided the multifamily residential use into two categories: With Four or More Housing Units; and With Three Housing Units. The two multifamily use categories can be regulated separately.

GRV Impervious Coverage. The last two columns in Attachment 9 address the maximum percent of impervious coverage allowed within each zoning district; maximum impervious coverage is restricted by 1.) The square feet of structures on a lot, and 2.) The total of all impervious surfaces on the lot (structures plus paving). Allowed impervious surfaces in residential zoning districts are substantially less than non-residential districts. Of all residential zoning districts, SFRIV and GRV allow the highest percent of impervious coverage (30% for structures; 35% for total impervious).

Additional Proposed Changes for Multifamily Housing

DPCD recommends two small changes are made to the Town of Franklin's Zoning Bylaw at §185, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements:

Maximum Impervious Coverage in GRV. GRV is the only residential zoning district where multifamily housing is allowed by right. Without providing developers with more flexibility with the percent of impervious coverage allowed this type of housing may not be successfully developed. At the May 3, 2023 Economic Development Subcommittee meeting DPCD staff suggested making a change to the maximum impervious coverage allowed in the GRV zoning district. The Subcommittee agreed that an increase in maximum impervious coverage was needed.

The table below provides a comparison of the maximum impervious coverage allowed within various zoning districts, as well as small recommended increases to maximum impervious coverage allowed in GRV.

Maximum Impervious Coverage of Existing Upland		
Zoning District	Structures	Structures Plus Paving
Existing Zoning Regulations		
Rural Residential I	20	25
Rural Residential II	20	25
Single Family Residential III	25	35
Single Family Residential IV	30	35
General Residential V	30	35
Downtown Commercial	80	90
Commercial I	80	90
Proposed Zoning Regulations		
General Residential V	30 35	35 45

Source: §185 Zoning Bylaw, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements

Dimensional Requirements of 3 Family in CI. As mentioned above, multifamily developments in the CI zoning district are required to have at least some mixed use (residential/commercial) component. If a development proposal is multifamily residential only, then the owner/developer must observe requirements of the GRV District, which is substantially more restrictive.

Now that the multifamily residential use has been divided into two categories by passage of Zoning Bylaw Amendment 23-889, DPCD recommends removing the more restrictive requirements from multifamily projects with only three housing units. A three family should not be required to have a mixed use component. DPCD recommends adding wording into Note 7 in Attachment 9 that states three family developments are exempt from the mixed use requirement.

Zoning Bylaw Amendment 23-898

The small proposed changes described above can be addressed with one easy zoning bylaw amendment to §185, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements. DPCD has developed Zoning Bylaw Amendment 23-898 to address the issues (see attached).

Please let me know if you have questions or need additional information. We look forward to discussing the proposed Zoning Bylaw Amendment at the next EDC Meeting



SPONSOR: *Town Administration*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 23-898**

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, ATTACHMENT 9, SCHEDULE OF LOT, AREA,
FRONTAGE, YARD AND HEIGHT REQUIREMENTS**

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 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements:

185 Attachment 9

Schedule of Lot, Area, Frontage, Yard and Height Requirements

District	Minimum Lot Dimensions				Minimum Yard Dimensions			Maximum Height of Building		Maximum Impervious Coverage of Existing Upland	
	Area (square feet)	Continuous Frontage (feet)	Depth (feet)	Lot Width (minimum circle diameter)	Front (feet)	Side (feet)	Rear (feet)	Stories	Feet	Structures	Structures Plus Paving ³
Rural Residential I	40,000	200	200	180 ⁴	40	40	40	3	35	20	25
Residential VI	40,000	200	200	180 ⁴	40	40	40	3	35	20	25
Residential VII ¹¹	40,000	200	200	180 ⁴	40	40	40	3	35	20 ¹²	25 ¹²
Rural Residential II	30,000	150	200	135 ⁴	40	35	35	3	35	20	25
Single Family Residential III	20,000	125	160	112.5	40	25	30	3	35	25	35
Single Family Residential IV	15,000	100	100	90	30	20	20	3	35	30	35
General Residential V	10,000	100	100	90	20	15	20	3	40	30 35	35 45
Neighborhood Commercial	18,000	100	100	90	20	30	40	3	35	30	35
Rural Business ¹³	40,000	200	200	180	40	30	40	1.5	30	10	30
Downtown Commercial	5,000	50	50	45	5 ¹⁰	0 ²	15	3 ⁹	40 ⁹	80	90
Commercial I ⁷	5,000	50	50	45	20 ¹	10 ¹⁴	15	3 ¹⁵	40 ¹⁵	80	90
Commercial II	40,000	175	200	157.5	40	30	30	3 ¹⁵	40 ¹⁵	70	80
Business	20,000	125	160	112.5	40	20	30	3 ¹⁵	40 ¹⁵	70	80
Mixed Business Innovation	40,000	175	200	157.5	40	30 ⁵	30 ⁵	3 ¹⁵	40 ¹⁵	70	80
Industrial	40,000	175	200	157.5	40	30 ⁵	30 ⁵	3 ⁶	-	70	80
Limited Industrial	40,000	175	200	157.5	40	30 ⁸	30 ⁸	3 ⁶	40 ⁶	70	80
Office	40,000	100	100	90	20	30 ⁵	30 ⁵	3 ⁶	40 ⁶	70	80

Setbacks: No structure or pole carrying overhead wires shall be put up within 60 feet nor shall a billboard be erected within 100 feet of right-of-way which is 75 feet or more.

NOTES:

¹ But no new structure shall be required to provide a deeper yard than that existing on that parcel upon adoption of this amendment.

² Increase to 20 feet when abutting a residential district.

³ See definition of Upland §185-3, §185-36. Impervious Surfaces and §185-40. Water Resource District.

⁴ Within open space developments (see § 185-43), the lot width must be met for individual lots shall be no less than 1/2 those required within the underlying district.

⁵ Increase by the common building height of the structure, when abutting a residential use.

⁶ Buildings up to 60 feet in height may be permitted by a special permit from the Planning Board.

⁷ Permitted residential uses must observe requirements of General Residential V District for residential use building only.

Multifamily residential with three housing units, and Mixed use buildings are exempt from this requirement.

⁸ Increase by 1.5 the common building height of a structure, when abutting a residential district or use.

⁹ Buildings up to 50 feet in height may be permitted by a special permit from the Planning Board provided the structure is set back at least 15 feet from frontage.

¹⁰ Minimum five-foot setback required on first floor, street level; upper floors can overhang required first floor set back.

¹¹ See §185-50.

¹² Total impervious surface in the upland shall be no more than 50% if a special permit for multiple, single-family dwelling units is granted in RVII.

¹³ Maximum gross building footprint of non-residential primary use structures is 3,500 square feet.

¹⁴ The 10 feet side setback is only required on one side of lot; if lot abuts a residential district, a twenty feet setback is required on the abutting side.

¹⁵ Buildings up to 50 feet in height, regardless of the number of stories, may be permitted by a special permit from the Planning Board.

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

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: MARIJUANA USE OVERLAY DISTRICT
CC: MARK G. CEREL, TOWN ATTORNEY; AMY LOVE, TOWN PLANNER;
GUS BROWN, ZONING ENFORCEMENT OFFICER
DATE: MAY 23, 2023

At their May 3, 2023 meeting the Economic Development Committee voted to have Department of Planning & Community Development (DPCD) staff update the Marijuana Use Overlay District map.

In recent years there have been several changes in the Marijuana Use Overlay District, including the permitting of three marijuana grow facilities and three retail dispensary facilities, as well as the addition of a school on Grove Street. The Marijuana Use Overlay District map was last updated in February 2017 (by approval of Zoning Bylaw Amendment 17-781); with the recent development and continual land use changes within the underlying Industrial Zoning District, an update at this time is required. The current Marijuana Use Overlay District map is attached (Attachment 1).

The new marijuana-related facilities have brought a substantial amount of tax revenue to the Town; in order to continue allowing these facilities to come to Town, amending the Marijuana Use Overlay District Map is needed to identify areas for possible growth.

Current Zoning Regulations within the Marijuana District

§185-49 of Franklin Town Code provides regulations for the Marijuana Use Overlay District; all marijuana facilities must comply with these regulations. §185-49(5) provides a description of where in Franklin marijuana-related facilities are allowed; §185-49(5) has been pasted below for reference.

§185-49. Marijuana Use Overlay District.

5. Location

- a. The marijuana use overlay district consists of those parcels of land zoned industrial that are located south or west of the sideline of Interstate 495; and which are not within 500 feet of a public or private school, and not within 200 feet of a residential zoning district, library, church, child-care facility, park, and playground. The 500 feet and 200 feet distances shall be measured from all property lines of the proposed use; State Forest land shall not be considered when determining the proximity of a parcel to a residential zoning district.

While determining where to add or remove parcels, the criteria listed above must be met first.

Proposed Marijuana Use Overlay District Map Changes

DPCD staff conducted an assessment of all parcels within the Industrial Zoning District located south or west of the sideline of Interstate 495 to identify any parcels currently within the Marijuana Use Overlay District that should be removed, and if others should be added. DPCD created three maps that are at scales that is much easier to see parcel details than the Town-wide Marijuana Use Overlay District map.

The three maps in Attachment 2 are of the following areas:

Map A. In and around Forge Park

Map B. Along the Grove Street Corridor

Map C. In and around Franklin Industrial Park.

The three maps have been marked up in the following way: 1.) Where DPCD suggests removing parcels from the Marijuana Use Overlay we put a red **X**; 2.) Where we suggest adding a parcel we wrote **Add**.

Recommended Marijuana Use Overlay District map changes are as follows:

1. Forge Park. The proposed changes in Forge Park are removal of two parcels within 200 feet of the Hockomock Area YMCA, and addition of four parcels that meet the location criteria in §185-49(5);
2. Grove Street Area. The largest proposed change within the Marijuana Overlay District Map is the removal of four parcels on Grove Street, made necessary with the siting of a new school at 122 Grove Street. In addition, one parcel on the west side of Grove Street was added, as it meets the location criteria in §185-49(5);
3. Franklin Industrial Park. Proposed changes in Franklin Industrial Park include removal of one parcel on Constitution Boulevard, as it directly abuts a daycare at the corner of Upper Union and Constitution Boulevard. In addition, three properties along Upper Union Street are being proposed for addition to Marijuana Use Overlay District Map, as they meet the location criteria in §185-49(5).

As mentioned above, proposed changes to the Marijuana Use Overlay District Map identify parcels that meet the Town's regulations, and areas for future growth of the Marijuana industry. Using the three attached maps and the above recommended changes, DPCD worked with the Town's GIS Department to update the Marijuana Use Overlay District Map and create Zoning Map Amendment 23-899. See Attachment 3. We look forward to discussing the proposed Overlay Map Amendment at the next EDC Meeting. If the Economic Development Committee supports the Zoning Map Amendment we request they vote to send it to the full Council for consideration.

Additional Potential Changes to Marijuana Use Overlay District Regulation

As there has been some discussion of the possibility of expanding the Marijuana Use Overlay District, in addition to updating the overlay map, DPCD did a quick review of marijuana use related zoning issues.

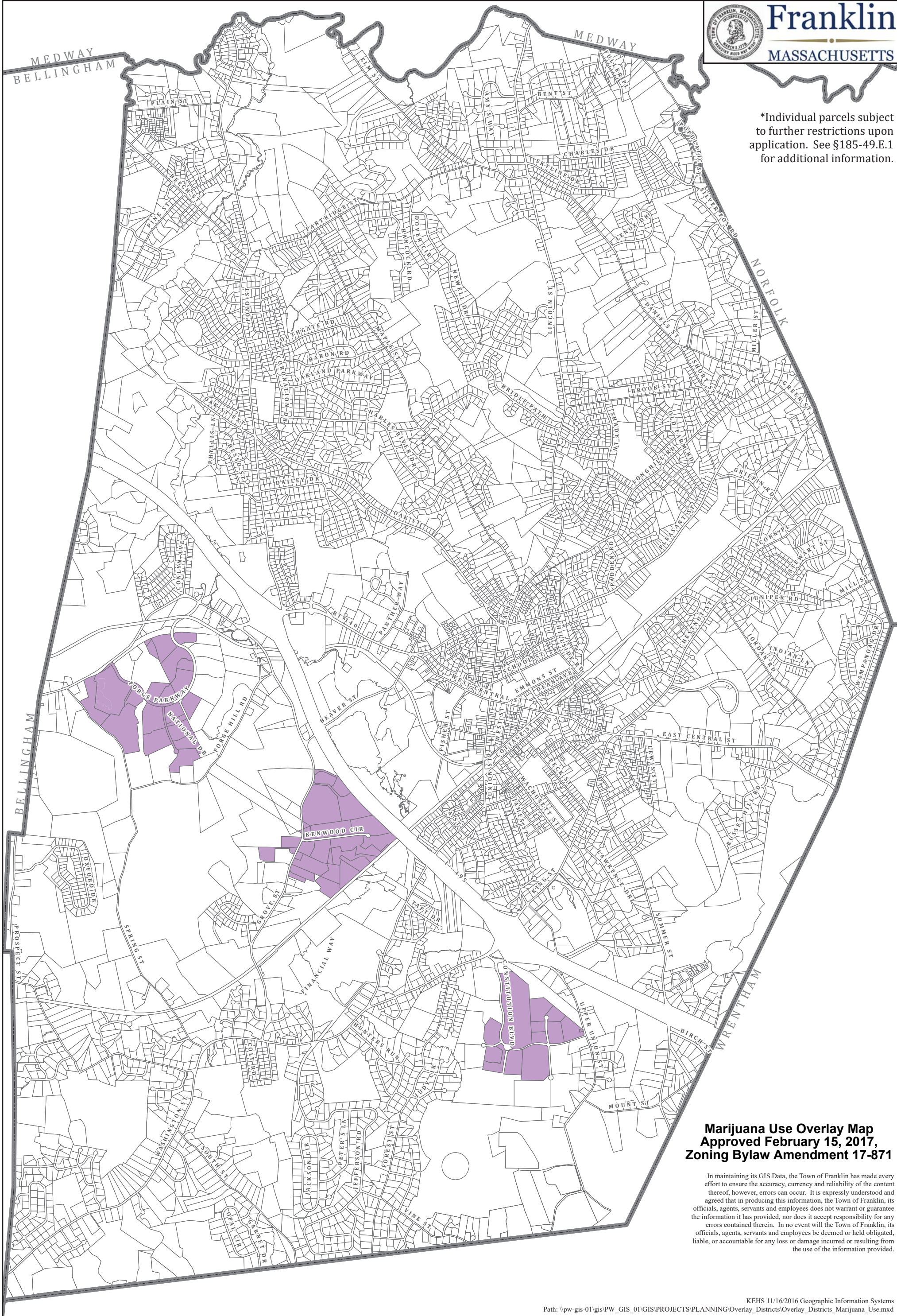
Currently, the Marijuana Use Overlay District is only located in the Industrial Zoning District to the south or west of the sideline of Interstate 495. Extending the Marijuana Use overlay outside of this industrially zoned area could take several forms. A few examples are listed below:

- Allow the marijuana uses within all industrially zoned areas, and keep the current siting limitations within §185-49(5).
- Allow the marijuana uses within other zoning districts, possibly Commercial II, Business, and or Mixed Business Innovation, and keep the current siting limitations within §185-49(5).
- Only allow Retail/Medicinal Retail Marijuana facilities within the additional areas added to the overlay district.
- Remove some of the limitations on siting marijuana facilities; this may include removing the limitation on siting facilities within 200 feet of a residential zoning district.
- Any combinations of scenarios listed above.

Whatever is decided, any additional changes beyond the currently proposed Zoning Map Amendment 23-899 will require partial rewrite of §185-49, as well as amendments to §185-3 Definitions, and §185-7 and related Use Regulation tables in Attachments 3 and 4. Please let us know if you'd like to proceed with these additional zoning changes.

 Marijuana Use Overlay District*
 Parcel Line
 Municipal Boundary




*Individual parcels subject to further restrictions upon application. See §185-49.E.1 for additional information.



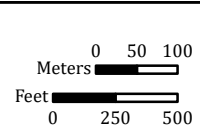
**Marijuana Use Overlay Map
Approved February 15, 2017,
Zoning Bylaw Amendment 17-871**

In maintaining its GIS Data, the Town of Franklin has made every effort to ensure the accuracy, currency and reliability of the content thereof, however, errors can occur. It is expressly understood and agreed that in producing this information, the Town of Franklin, its officials, agents, servants and employees does not warrant or guarantee the information it has provided, nor does it accept responsibility for any errors contained therein. In no event will the Town of Franklin, its officials, agents, servants and employees be deemed or held obligated, liable, or accountable for any loss or damage incurred or resulting from the use of the information provided.

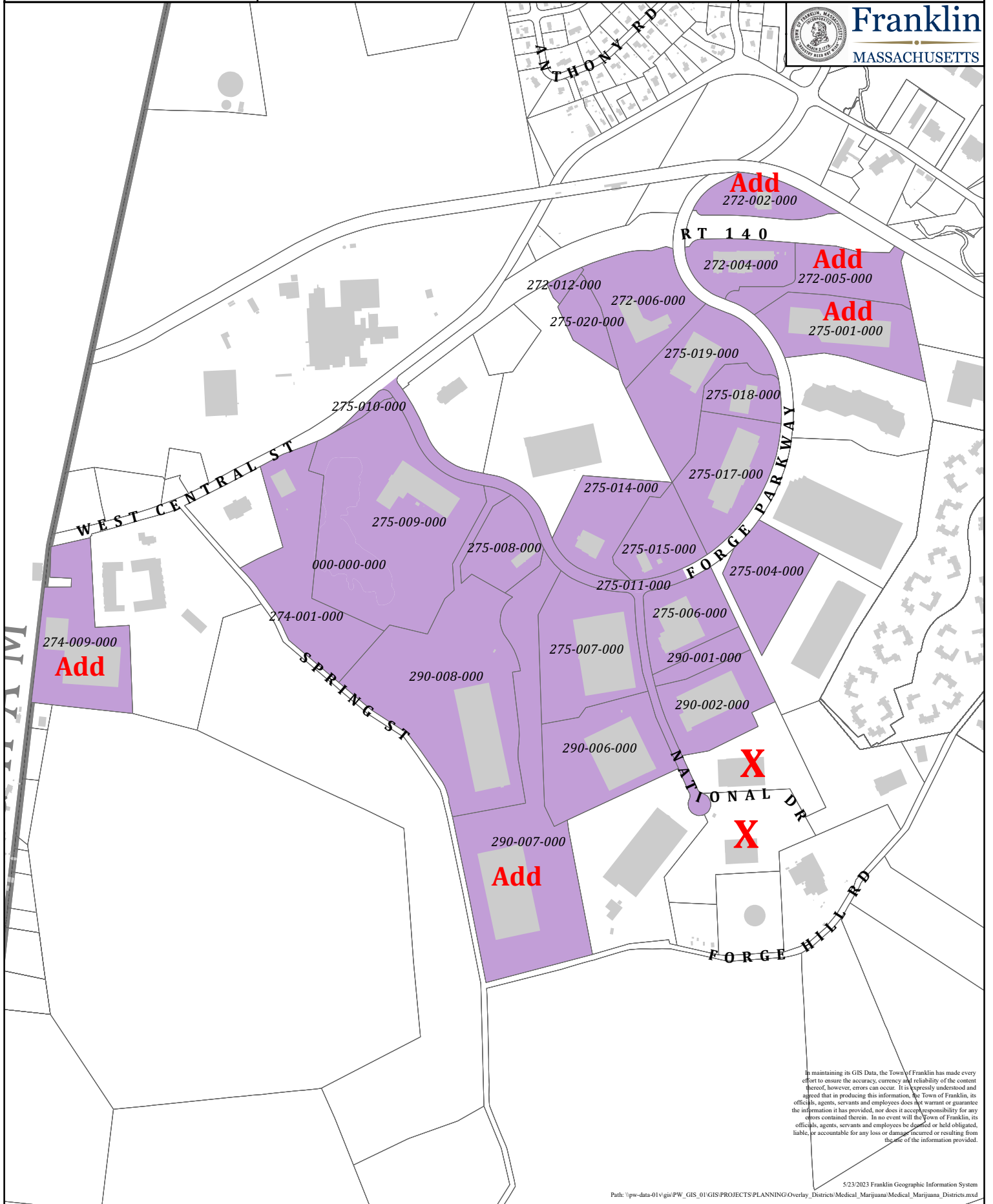
MARIJUANA District Detail

-  Marijuana District
-  Building
-  Parcel Line

Attachment 2 Map A




Franklin
MASSACHUSETTS



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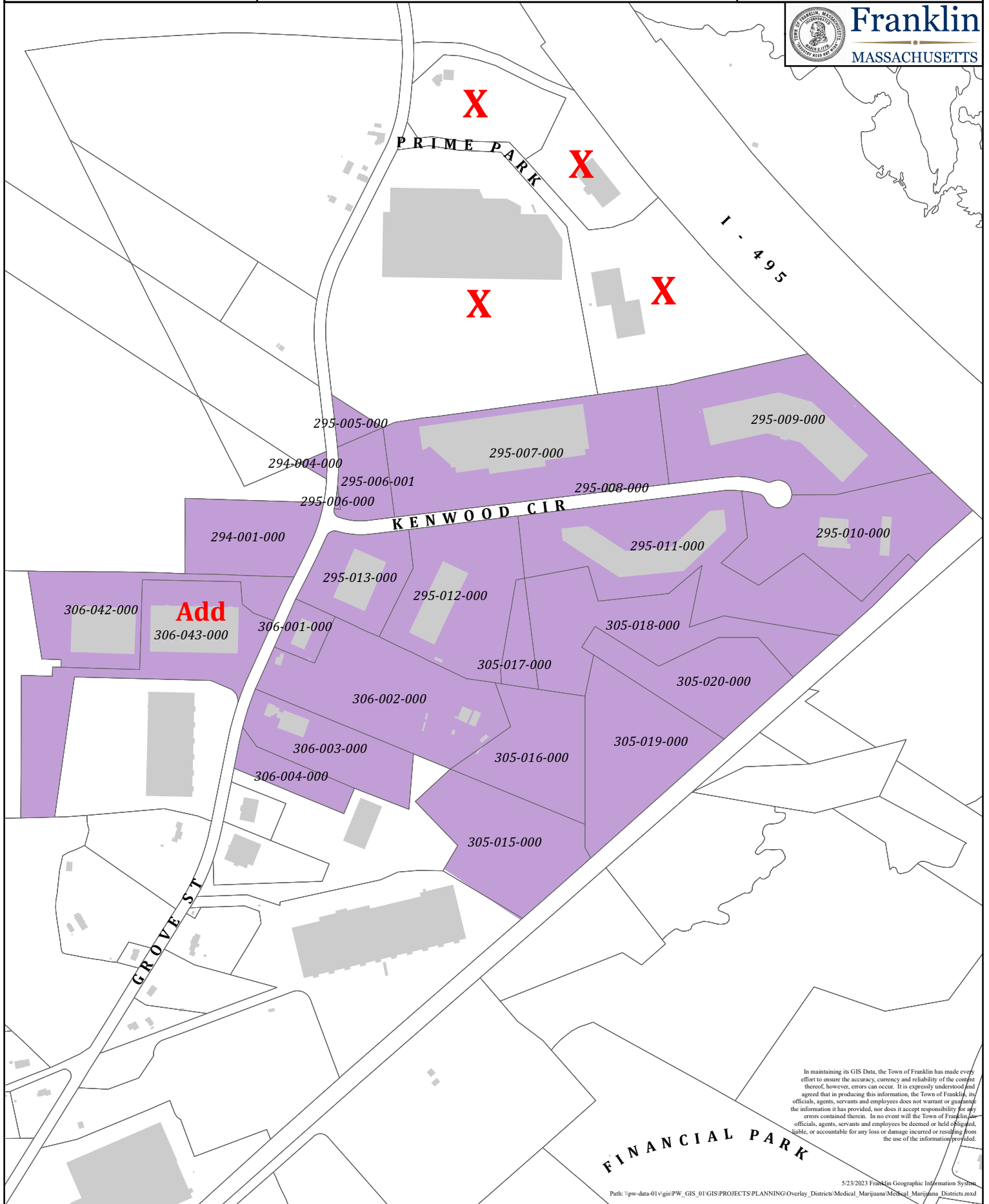
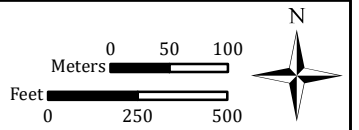
MARIJUANA

District Detail

 Marijuana District
 Building
 Parcel Line

Attachment 2

Map B






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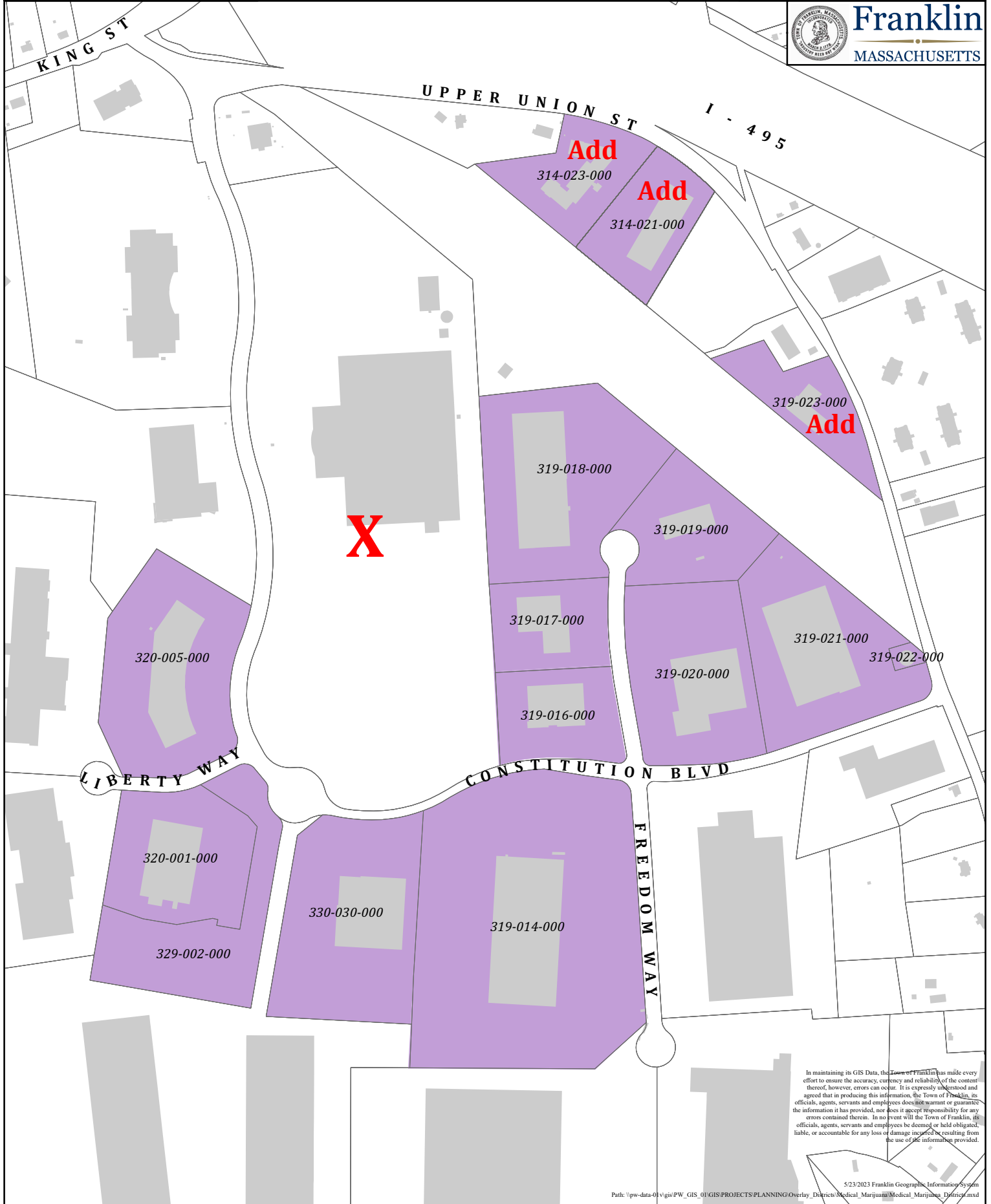
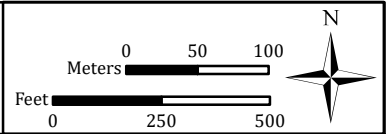
5/23/2023 Franklin Geographic Information System

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MARIJUANA District Detail




-  Marijuana District
-  Building
-  Parcel Line

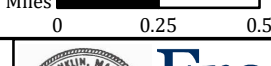
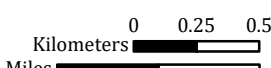
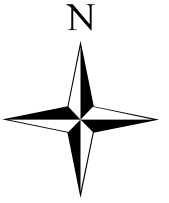
Attachment 2 Map C




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MARIJUANA USE OVERLAY DISTRICTS

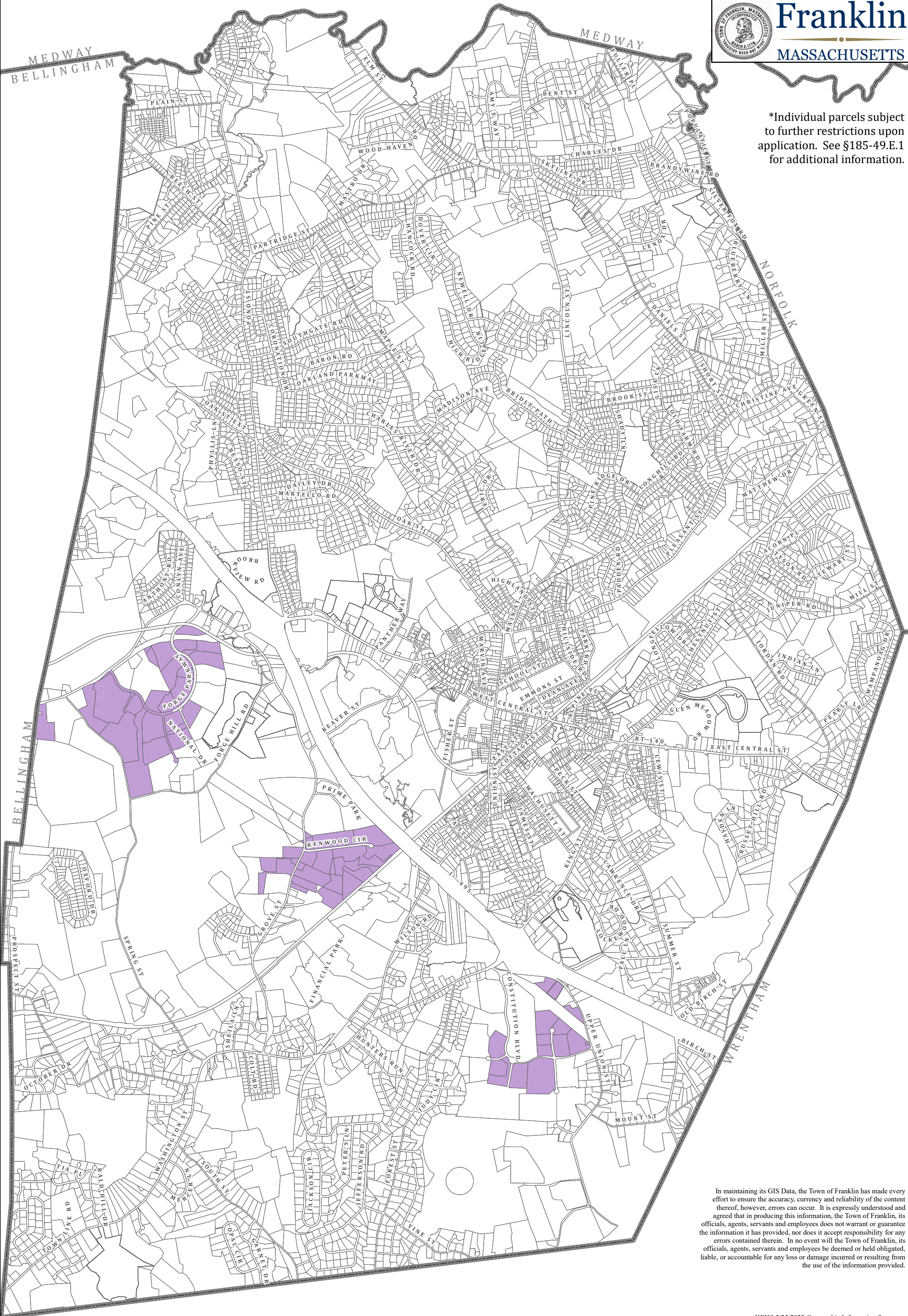
-  Marijuana Use Overlay District*
-  Parcel Line
-  Municipal Boundary





Franklin
MASSACHUSETTS

*Individual parcels subject to further restrictions upon application. See §185-49.E.1 for additional information.



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SPONSOR: *Town Administration*

**TOWN OF FRANKLIN
ZONING BYLAW AMENDMENT 23-899**

MARIJUANA USE OVERLAY DISTRICT

**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 deleting from the Marijuana Use Overlay District the following seven parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

288-004-000	295-002-000	295-004-000
290-003-000	295-003-000	319-015-000
290-004-000		

And the Zoning Map of the Town of Franklin be amended by adding to the Marijuana Use Overlay District the following nine parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

272-002-000	275-001-000	314-021-000
272-005-000	290-007-000	314-023-000
274-009-000	306-043-000	319-023-000

The area to be rezoned is shown on the attached map ("Proposed Zoning Map Changes to the Marijuana Use Overlay District").

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