

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

TO: PLANNING BOARD
FROM: DPCD
RE: PROPOSED ZONING MAP AMENDMENT 23-901, AN AREA ON AND NEAR KING STREET
DATE: NOVEMBER 15, 2023

The Town has been asked to consider rezoning to Business two residentially zoned parcels of land adjacent to the Fire Station on King Street. The Town Council has referred the re-zoning to the Planning Board.

If approved by Town Council, Zoning Map Amendment 23-901 would amend the Town's existing Zoning Map (Chapter 185, Section 5, of Franklin Town Code) by changing the following parcels from the Single Family Residential III zoning district to the Business zoning district.

Parcel	Location	Size (acres)	Owner
313-061-000	634 King Street	0.9798	Cumberland Farms, Inc.
313-062-000	648 King Street	<u>0.3401</u>	Thomas P. Nasuti
	Total Area	1.3198	

This zoning map change would allow development of the two parcels for a variety of commercial uses. Uses allowed by right include: nursery, greenhouse or garden center; restaurant; other retail sales and services; office uses including banks/credit unions, medical/dental, and other professional or administrative uses; business incubator or co-working space; artisanal and craft maker space; art gallery.

Uses that may be allowed by Planning Board special permit include: motor vehicle, boat, farm implement sales (without repair service); filling or service station; vehicular service establishment; function hall or catering; hotel or motel; brewery, distillery, or winery production with tasting room.

Uses that may be allowed by Zoning Board of Appeals special permit include: animal hospital, kennel, day care, training, or grooming.

Attached are the following:

- Bylaw Zoning Amendment 23-901; and
- A diagram with two maps: one showing the current zoning in the area, and one showing proposed Zoning Map changes.

A letter is included that was received from an abutter.

The Planning Board will need to recommend or not recommend the zoning amendment.

Proposed Zoning Map Changes

An Area On Or Near King Street From Single Family Residential III to Business

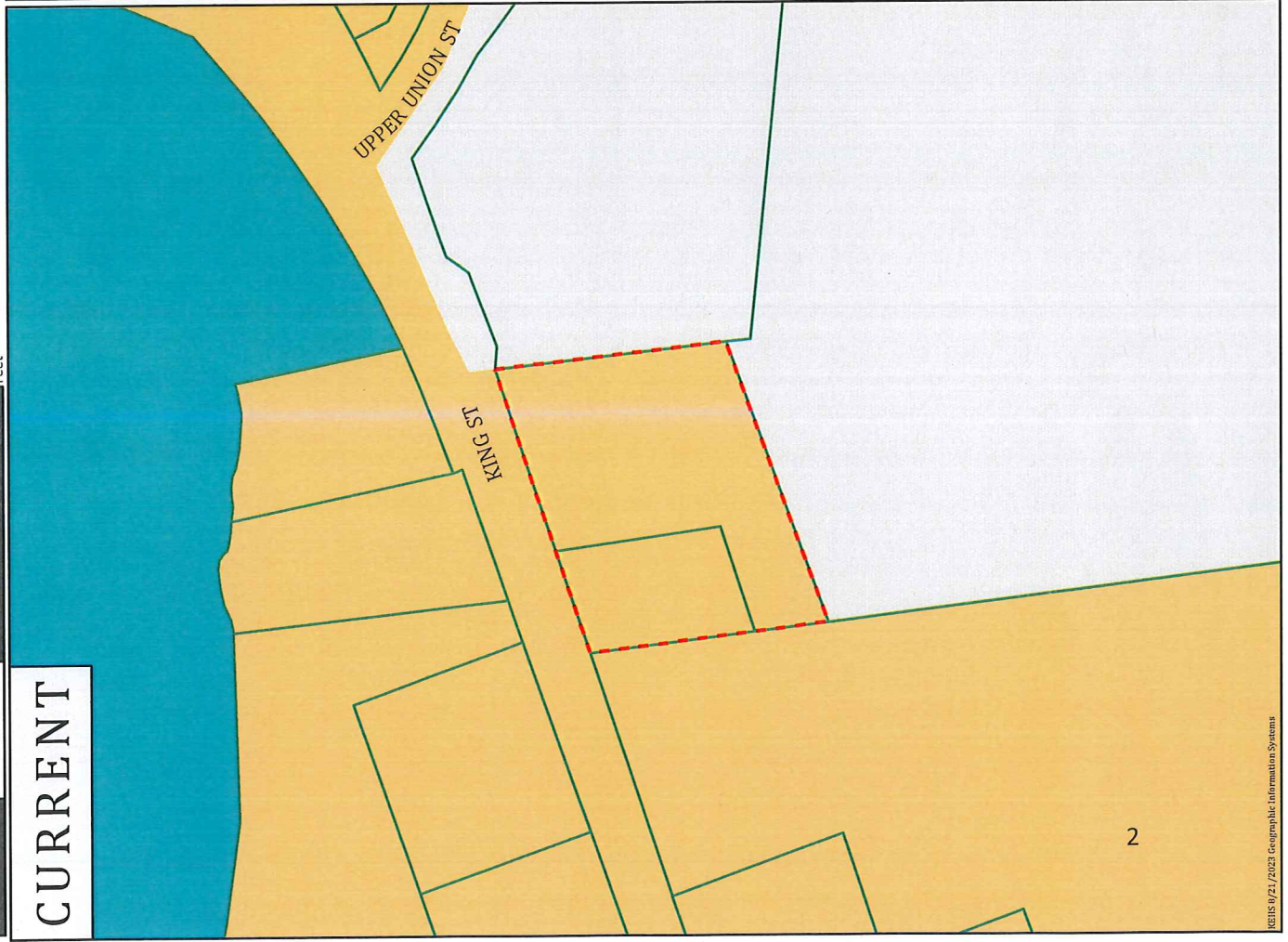
23-901



CURRENT

PROPOSED

- Business
- Industrial
- Single-Family III
- Area of Proposed Change
- Parcel Line



UPPER UNION ST

KING ST

UPPER UNION ST

KING ST



SPONSOR: *Town Administration*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 23-901**

**ZONING MAP CHANGES FROM SINGLE FAMILY RESIDENTIAL III
TO BUSINESS AN AREA ON OR NEAR KING STREET**

**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 changing from Single Family Residential III to Business an area containing **1.32± acres**, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers **313-061-000** and **313-062-000**.

The area to be rezoned is shown on the attached map ("Proposed Zoning Map Changes, An Area On Or Near King Street").

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

Is Franklin Zoning Map Amendment 23-901 Spot Zoning?

Please consider these objections and, much more importantly, one solution for the proposed zoning change that will be a blight on our neighborhood. I've come to love Franklin in the 9 years my family has lived here, and we have nowhere else we'd rather be. Others impacted have lived here much longer, and it would be a shame to permit a gas station or a drive-thru restaurant across the street from their homes where our neighbor Tom's house stands now.

Respectfully,

Ian Duff

680 King St
Franklin, MA 02038
(508) 463-7053
idduff8@gmail.com

Why might Amendment 23-901 be considered spot zoning?

- The Business zone it expands was very recently created. If this occupied home and empty parcel should have been changed from SFR3 to Business based on their inherent qualities or location, it would have happened then.
- The change to the map adds only the two parcels owned or under agreement with Mr. Evans' LLC and no others. (313-061-000-000 and 313-062-000-000, see Exhibit A from the proposed amendment)
- The change ignores NE Power Company's parcel 313-056-000-000, which remains SF3 and lies under powerlines between the Industrial zone and interstate on-ramp. (see Exhibit B from Zoning Map)
 - If the amendment originated from a wholistic planning perspective, this land would have been re-zoned, because no reasonable person would build a residence there.
 - The SFR3 and Business zones in the future map it would create are then discontinuous.
- The permitted uses of a Business zone are not consistent with the character of the neighborhood. (see Exhibit C)
 - There are no operating businesses on King St. south of the interstate for nearly a mile until one encounters Guardian Storage at the very southern tip of the Washington/Grove Industrial zone (excluding The Enclave assisted living).
 - Please walk the area to understand, then contrast it to the other Business zones in town surrounding exit 43 and at the old mill.
- The town has rejected two similar actions from Cumberland Farms (former parcel owner until 9/28/23) in the last twenty or so years, and nothing has substantially changed about the surroundings or nearby use in that time. The abutters were and remain residences; Fire Station #2 and The Enclave are both occupied by Franklin residents 24 hours a day.

Apart from the above possibility, why else should Amendment 23-901 be rejected?

- The site at 555 King St. has not yet been developed into an operating business. Before expanding the zone, the town should evaluate the impact of that traffic-heavy facility in operation.
- It would remove an occupied home when our town is focused on housing supply.
- Uses permitted by right in a Business zone such as a bar, a dormitory, outdoor commercial amusement, or a contractor's yard would be a blight to the abutters, including Franklin's firefighters.
- Uses permitted by special permit such as a noisy motor vehicle service center, a gas station with hazardous materials discharge, a drive-through restaurant adding new congestion, a function hall with surges of occupancy, or brewery active outside of business hours would be unbearable to the neighbors.
- The Enclave is a perfect example of a variance granted for a commercial enterprise that fits well into the surrounding neighborhood. The zoning does not need to change in order for the one wooded parcel in question to generate revenue for our town.

What can we do to allow development, create revenue, and protect quality of life on King Street?

Today the area in question fully fits this definition without exception:

§ 185-4 C. (2) The Single-Family Residential Districts (SFRIII, SFRIV) are intended primarily for single-family residential uses in a semirural and suburban environment. Two-family residential uses may be permitted in some areas. Generally commercial and industrial uses are not permitted; however, limited commercial uses may be permitted in some areas.

It does not in any way fit the proposed definition:

§ 185-4 C. (8) The Business District (B) is intended primarily for nonresidential uses such as office, retail, service, trade, restaurant, and other commercial uses with some limited industrial uses in a suburban commercial environment.

Therefore, please reject Zoning Map Amendment 23-901 as it stands. However, it stands to reason that no one will build a single family home next to the fire station and that the owner's ability to develop a business is in the town's interest. Please consider introducing another zone that would transition into the residential neighborhood and protect the residents from onerous land use. There is one enumerated in 2003 but not in use that already perfectly describes The Enclave.

§ 185-4 C. (12) The Neighborhood Commercial District (NC) is intended primarily for low-intensity commercial uses located in or within close proximity to primarily residential neighborhoods providing retail and personal

services which serve the surrounding neighborhood. Industrial uses are not allowed. The district is further classified by its neighbor- and pedestrian-friendly design concepts including low-luminescent lighting fixtures, visibly obscured parking areas, densely planted property borders, nonintrusive architecture and pedestrian-scaled signage with external illumination.

A new amendment to map a Neighborhood Commercial District would allow for lucrative use without the potential for light, noise, or chemical pollution. It would be a compromise between the needs of Mr. Evans' LLC and the abutters, but would more importantly allow for zoning change to continue into the neighborhood at the discretion of petitioning landowners without property value and health damage to their neighbors. (see Exhibit D for a humble proposal from this layperson)

This potential solution aside, please reject the current Amendment 23-901 for all the valid concerns laid out here.

Exhibit A

Proposed Zoning Map Changes An Area On Or Near King Street From Single Family Residential III to Business

23-901

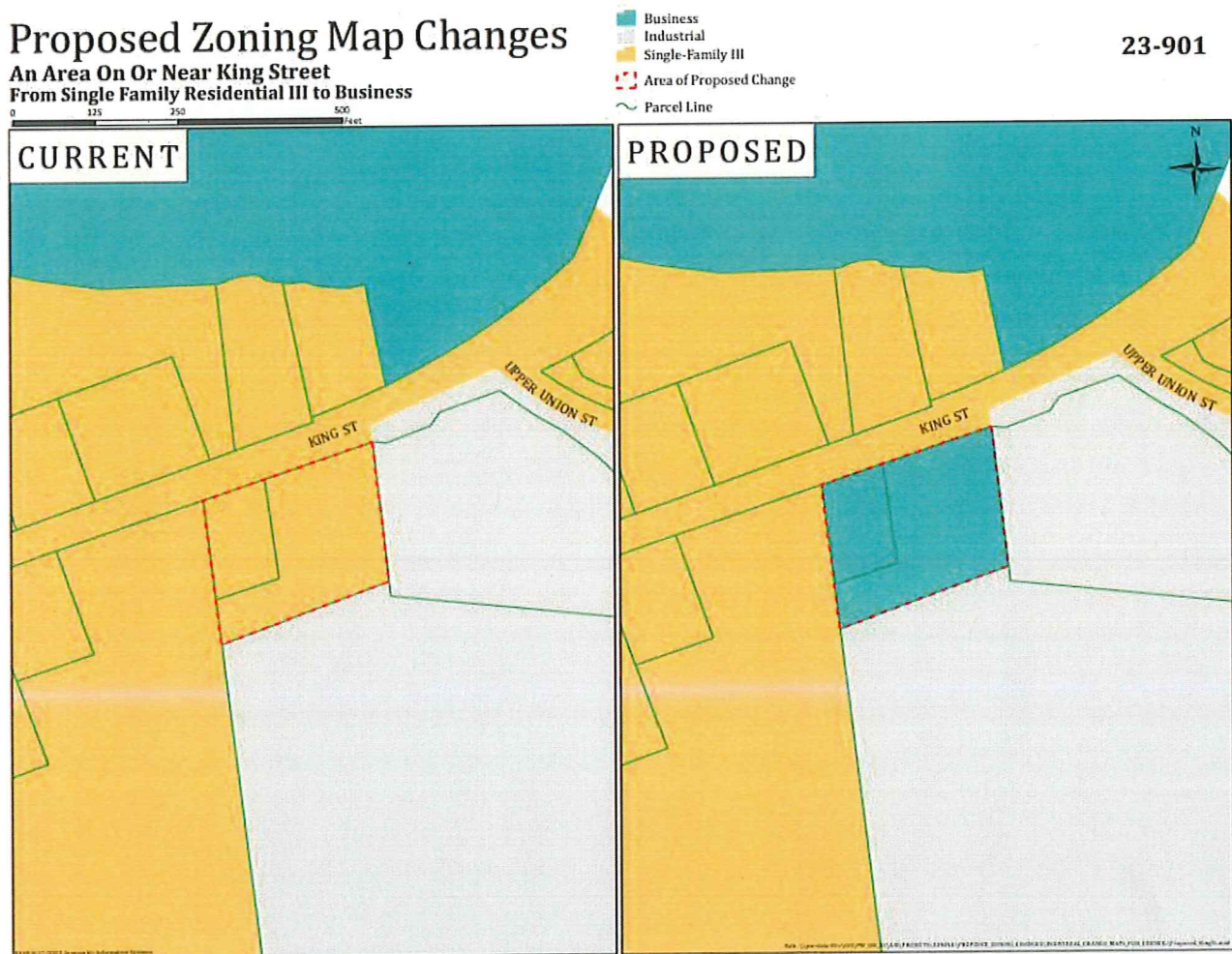


Exhibit B

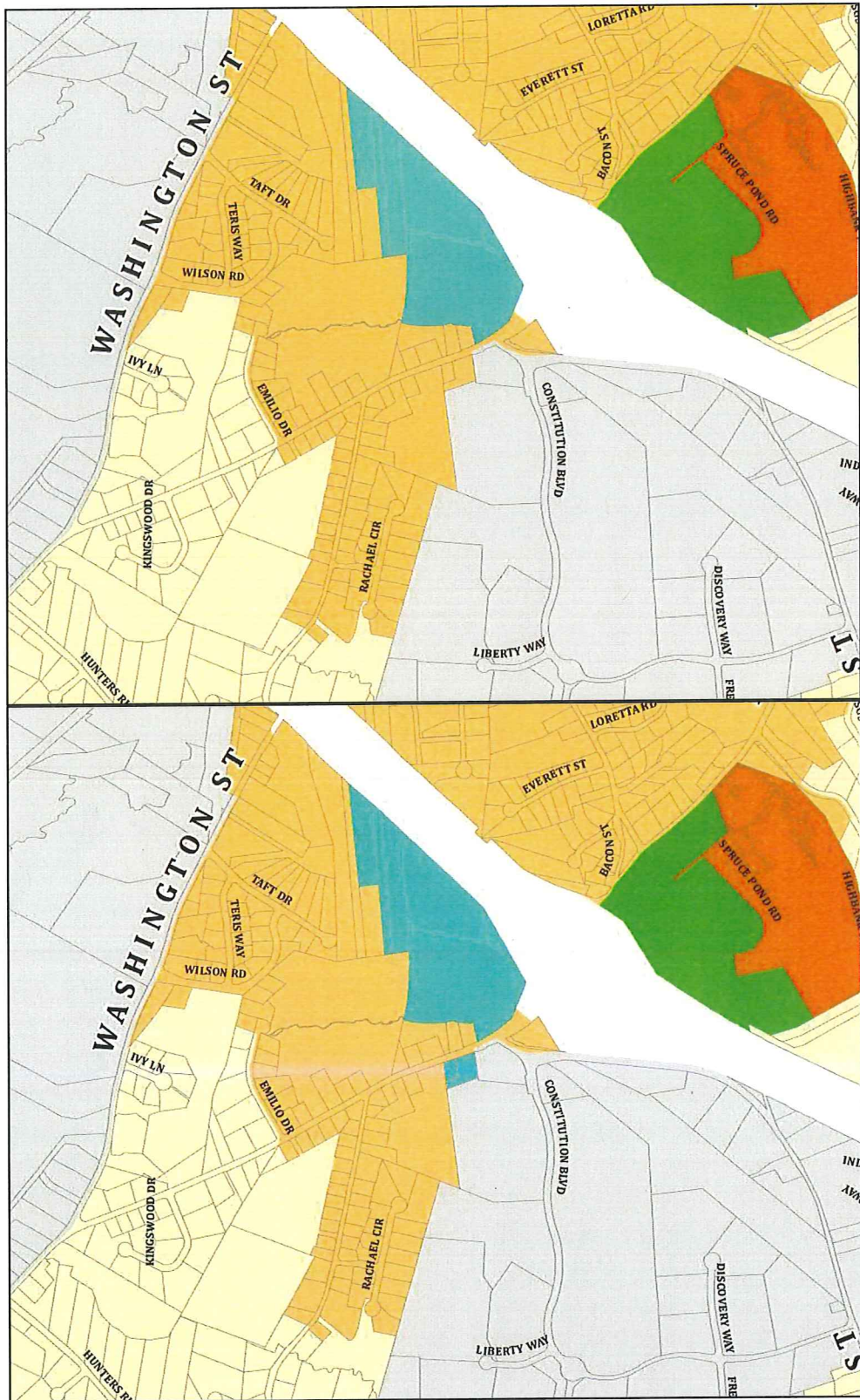


Exhibit C

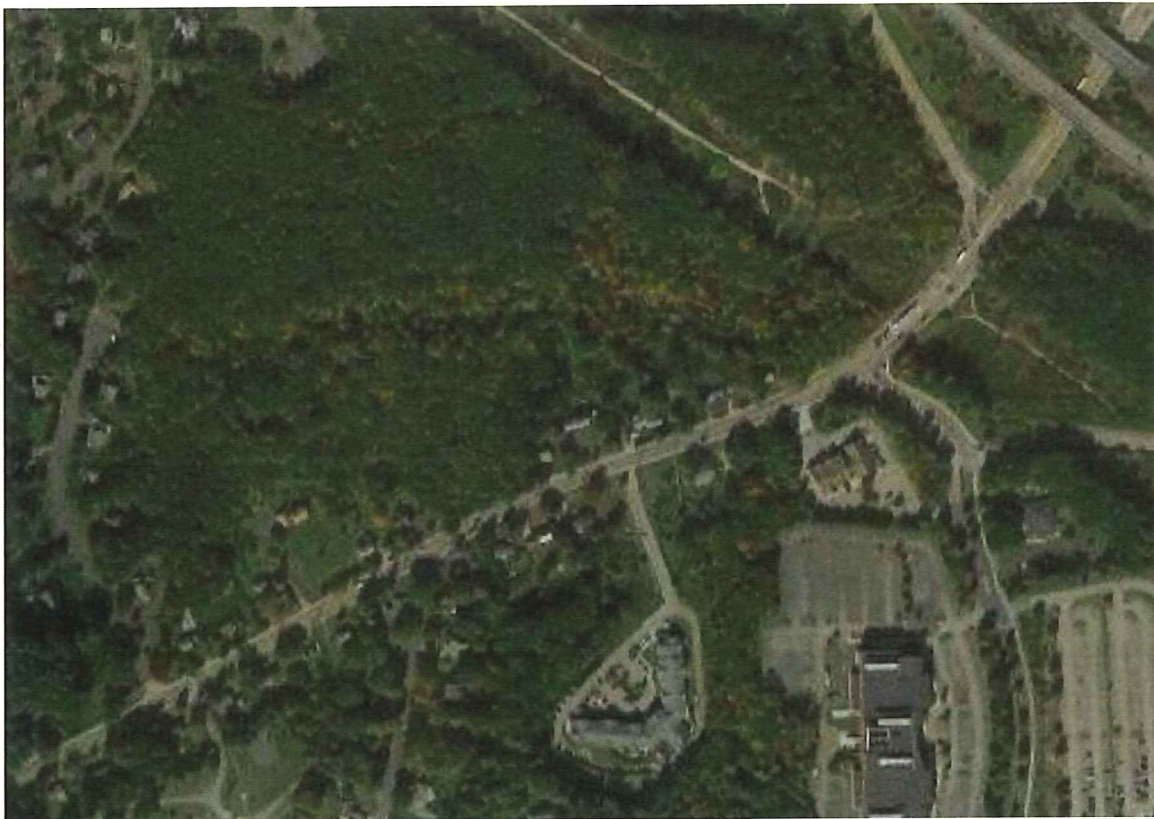
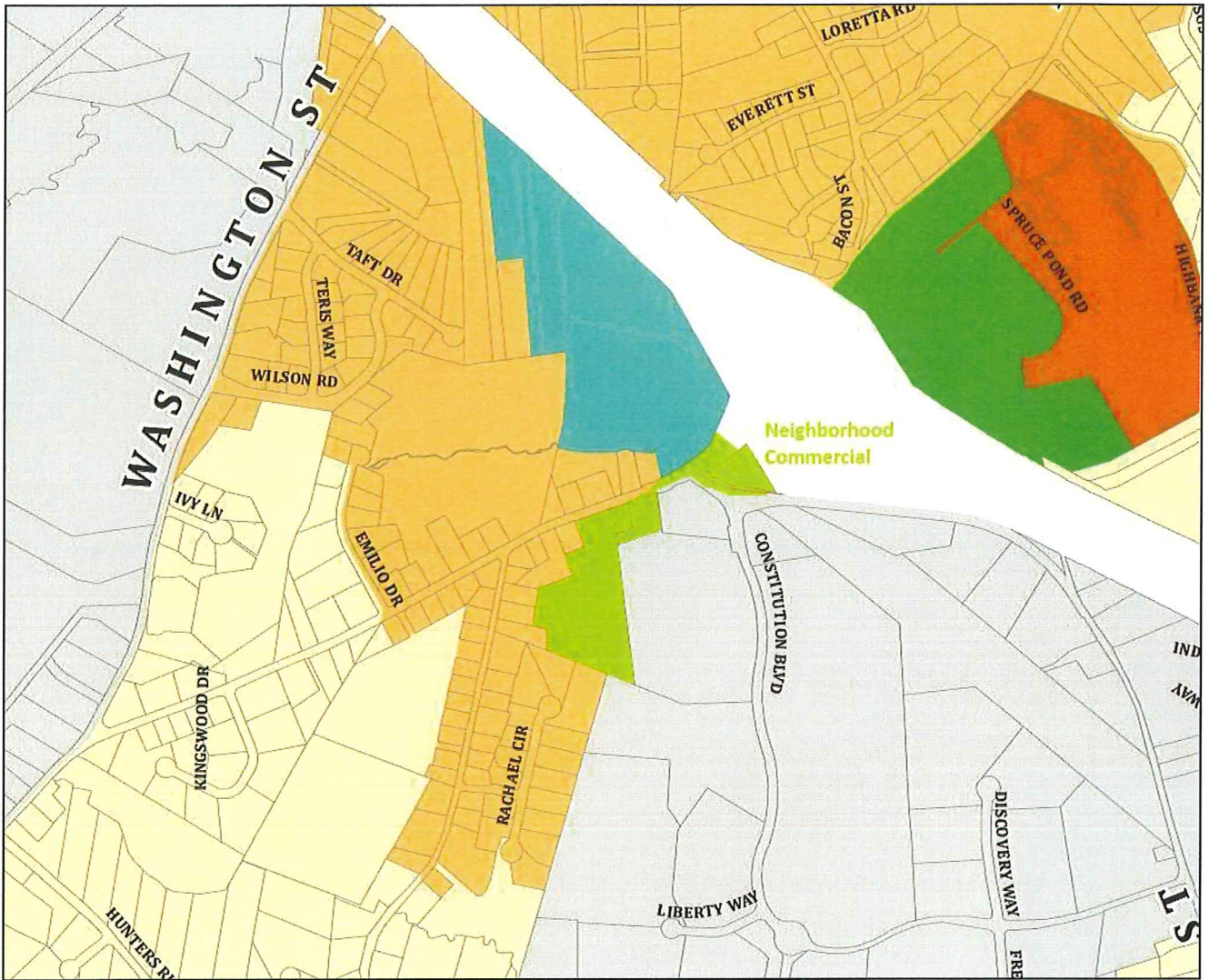


Exhibit D



Zoning Map Amendment 23-901

Regarding the Planning Board's review to re-zone parcels 313-061-000 and 313-062-000 from residential to commercial. These parcels are on King Street adjacent to the Fire Station next to the Nursing Home. This has raised concerns for some of us and I wanted to share with you ahead of the meeting. If you would like to discuss you can contact me, Sally Grant at 508-277-1935, 660 King Street.

The re-zoning of parcels 313-061-000 and 313-062-000 would significantly impact the lives and wellbeing of the local residents to include the Nursing Home, Pre-School, and the Fire Station, and dramatically change the character of the neighborhood. Although a busy street at times, we view this as our residential neighborhood and community. To insert a commercial enterprise would dramatically change what has been long established and would impact on the owners' fundamental rights. A gas station has been recommended twice before and it did not pass.

The following items are points of discussion and concern and as it currently appears would indicate that this spot re-zoning would not be a recommended course of action.

I. Health Hazards

From: Gas fumes & toxic chemicals

Traffic – has congestion been measured and predicted

Noise & Light – noise impact analysis, light adjustment standards set

Impacting: Residents (if a gas station, Benzene, a chemical in gas fumes, is stated as a known cancer-causing chemical by the National Institute of Health and classified by the EPA as a Group A- a known human carcinogen)

Pre-School (if a gas station is approved the EPA recommends gas stations be a minimum of 1,000' from a school, this is not.)

Nursing Home (is within 500' and considered a serious health hazard)

Fire Department (is within 500' and considered a health hazard)

Local Waterways - wetlands identified within 500'

2. Fire Station

- a. Increased traffic would most likely increase the incidents where the firehouse driveway is blocked
- b. The close proximity of the firehouse would pose a health risk to the firefighters.

3. Infrastructure Concerns

- a. Width of the road - does not appear wide enough for a designated left turn lane
- b. Sewage
- c. Stormwater runoff – impact to area and would a federal permit be required?

4. Impact on already high water table – hydrogeologist analysis?

5. Environmental / Land Development

- a. Clarification of parcel at 634 King Street. Former deed refer to a "plan entitled Form A Subdivision Plan of A.P. 40 Lot 26 ..." Deed from 1/23/98 shows a Lot 2 of this being sold and from 9/28/23 a Lot 1 being sold.
- b. There a current Right of Way. How is that going to be managed?
- c. Earth removal
- d. Conservation commission review
- e. Franklin has a Housing Production Plan that recognizes the need for more housing. Wouldn't this be a better use for this site as it is already residential?

6. Safety Risks

- a. Increased traffic in amount and in hours of the day – congestion, noise, & air quality impact analysis?
- b. Crime

7. Impact on Surrounding Property Values

- a. Appraisal of impact on residential property values
- b. A re-zoning could be considered a regulatory taking and fair compensation would then need to be considered.