

# Town of Franklin

Town Administrator  
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355 East Central Street  
Franklin, Massachusetts 02038-1352

**Date:** December 13, 2018

**To:** Town Council

**From:** Jamie Hellen

**Re:** Clark, Cutler, McDermott property and neighborhood Rezone

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The following zoning bylaw amendment is to rezone the Clark, Culter, McDermott property and some adjacent properties from Industrial to a new zone called "Mixed Business Innovation District". The action requested of the Council tonight is to refer the zoning amendments to the Planning Board for a public hearing. The EDC voted 3-1 to refer this proposal to the full Council.

The Mixed Business Innovation District definition would expand the amount of uses substantially. The Mixed Business Innovation District (MBI) is intended primarily for a mix of light Industrial and Commercial uses in an older industrial neighborhood. A strong emphasis is placed on encouraging reuse and redevelopment of older manufacturing and warehouse buildings, providing for a wide range of light industrial, commercial, cultural, institutional, or entertainment uses, including business incubator, co-working space, studio space, artisanal or craft maker space, art galleries, public art, performance venues, restaurants, cafes and retail that create and support a diverse economically and culturally rich environment. Residential uses and heavy manufacturing uses are not allowed.

The district would constrict the current Industrial uses by taking out heavy manufacturing and hazmat and chemical related uses to reduce heavy traffic, noise and dangerous chemicals from any potential reuse on that site.

Given the great residential neighborhoods around downtown, and the new units on Dean Ave and throughout the Alpine neighborhood, we see a need for additional commercial activity for amenities in downtown. The Planning Department has spoken to all of the property owners affected (except one) and they support this concept. Also, the Downtown Partnership supports this zoning concept.

The Clark, Cutler, McDermott property is currently in bankruptcy court. As of this date, there are potential buyers who have made offers and are working through the court proceedings and with General Motors on the final price. The Trustees of the property are aware of this zoning proposal and are very much in favor of the concept, and "it's the right thing to do".

See attached planning department memo for specifics. Please feel free to call with any questions.

# **FRANKLIN PLANNING & COMMUNITY DEVELOPMENT**

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## **MEMORANDUM**

**TO: JEFFREY D. NUTTING, TOWN ADMINISTRATOR**

**FROM: BRYAN W. TABERNER, AICP, DIRECTOR**

**RE: PROPOSED MIXED BUSINESS INNOVATION ZONING DISTRICT  
FISHER AND HAYWARD STREETS**

**CC: JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR;  
MARK CEREL, TOWN ATTORNEY; GUS BROWN, BUILDING COMMISSIONER;  
AMY LOVE, PLANNER; MAXINE KINHART**

**DATE: NOVEMBER 27, 2018**

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As you know the Department of Planning and Community Development (DPCD) has been working on rezoning concepts for the former Clark Cutler McDermott (CCM) property on West Central, Fisher and Hayward Streets. CCM went bankrupt after decades at that location, and the property is being managed and marketed by a court-appointed Trustee.

The industrial and warehouse/distribution property is currently underutilized, and the Trustee has struggled to obtain a buyer. In addition to the CCM properties, there are several adjacent industrially-zoned parcels that are either in need of redevelopment or currently being utilized for non-Industrial uses. DPCD recommends rezoning seven industrial parcels on or near Fisher and Hayward Streets. Attached is a diagram showing the in the area, and a list of parcels proposed for rezoning.

This cluster of industrially-zoned properties is surrounded by residential neighborhoods that could be negatively impacted if any of the seven industrial parcels were utilized for heavy manufacturing, which is allowed by right in the Town's Industrial Zoning District. For this reason DPCD proposes to rezone the seven parcels from the Industrial Zoning District to a zoning district that would eliminate heavy industrial uses and permit uses that would have less impact on adjacent residential neighborhoods.

DPCD has struggled with rezoning to a current Zoning District; for that reason a new Zoning District has been drafted. DPCD proposes creation of a new Mixed Business Innovation (MBI) Zoning District that allows the current level of manufacturing and warehouse/distribution uses at the CCM properties, allows for a greater range of uses by-right or by special permit, and increases the likelihood of the property being redeveloped.

Given the area's proximity to the Downtown and the Franklin Cultural District, DPCD has included a wide variety of uses that could support reinvestment and reuse of the properties for light industrial, commercial, arts and cultural, institutional, or entertainment uses. Some of the uses DPCD recommends allowing by-right or by Planning Board special permit include art

galleries, performance venues, studio space, artisanal or craft maker space, research and development, business incubator and co-working space, restaurants, cafes, services and retail.

Attached are the following for consideration:

- Diagram of the area showing the current and proposed zoning;
- List of parcels proposed for rezoning from Industrial (I) to the new Mixed Business Innovation (MBI) Zoning District;
- A summary of the Zoning By-law Amendments required to create the new Mixed Business Innovation Zoning District, including mention of the more important Zoning Bylaw changes being proposed; and
- The following Zoning Bylaw Amendments:
  - Zoning Bylaw Amendment 19-829: Districts Enumerated. Creation of Mixed Business Innovation Zoning District
  - Zoning Bylaw Amendment 19-830: Mixed Business Innovation Zone Use Regulations
  - Zoning Bylaw Amendment 19-831: Mixed Business Innovation Zone Dimensional Regulations
  - Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs, Mixed Business Innovation Zoning District
  - Zoning Map Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation an Area on or near Fisher and Hayward Streets
  - Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District.

If the Economic Development Committee supports the rezoning concept DPCD recommends they refer Zoning By-law Amendments 18-829 through 19-834 to the Town Council for a presentation, and eventually referral to the Planning Board for a public hearing. Please let me know if you have questions or require additional information for clarification.

**Proposed Zoning Map Amendment**  
**From Industrial To Mixed Business Innovation**  
**An Area On Or Near Fisher, Hayward and McCarthy Streets**

Parcel	Address	Property Owner	Size (Acres)	Current Zoning	Proposed Zoning
278-016-000-000	5 Fisher Street	CCMcD Property LLC	14.75000	I	MBI
278-024-000-000	31 Hayward Street	Moseley Realty LLC	7.55000	I	MBI
278-024-001-000	Hayward Street	Moseley Realty LLC	1.69000	I	MBI
278-025-000-000	90 Hayward Street	CFS Realty Corporation	3.39400	I	MBI
287-115-000-000	145 Fisher Street	A.J. Lambaiase. J A G Realty	3.78600	I	MBI
287-116-000-000	131 Fisher Street	A.J. Lambaiase. P. Lambaiase	0.79171	I	MBI
287-126-000-000	42 Hayward Street	CCMcD Property LLC	3.56700	I	MBI
Total Area			35.52871		

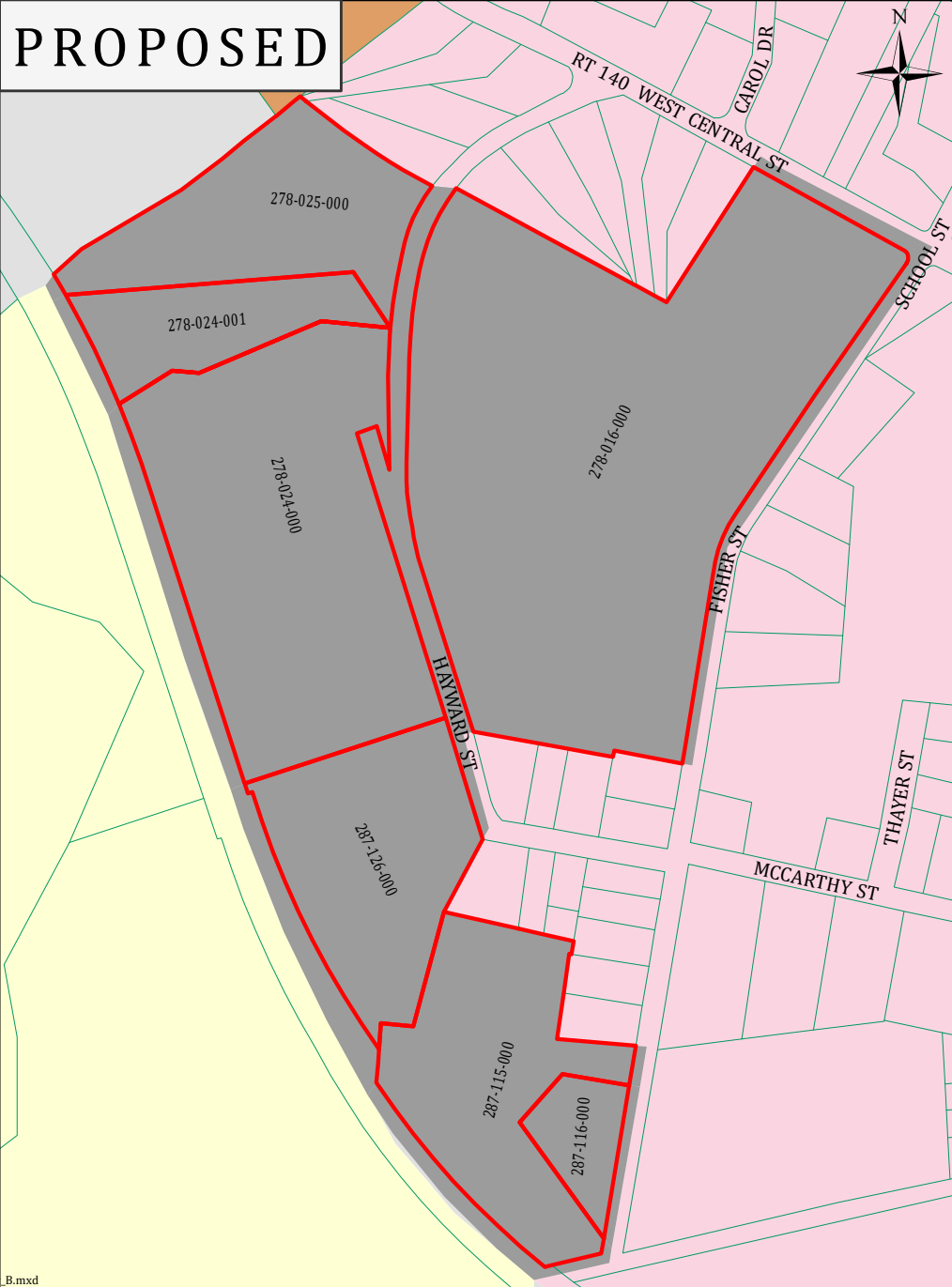
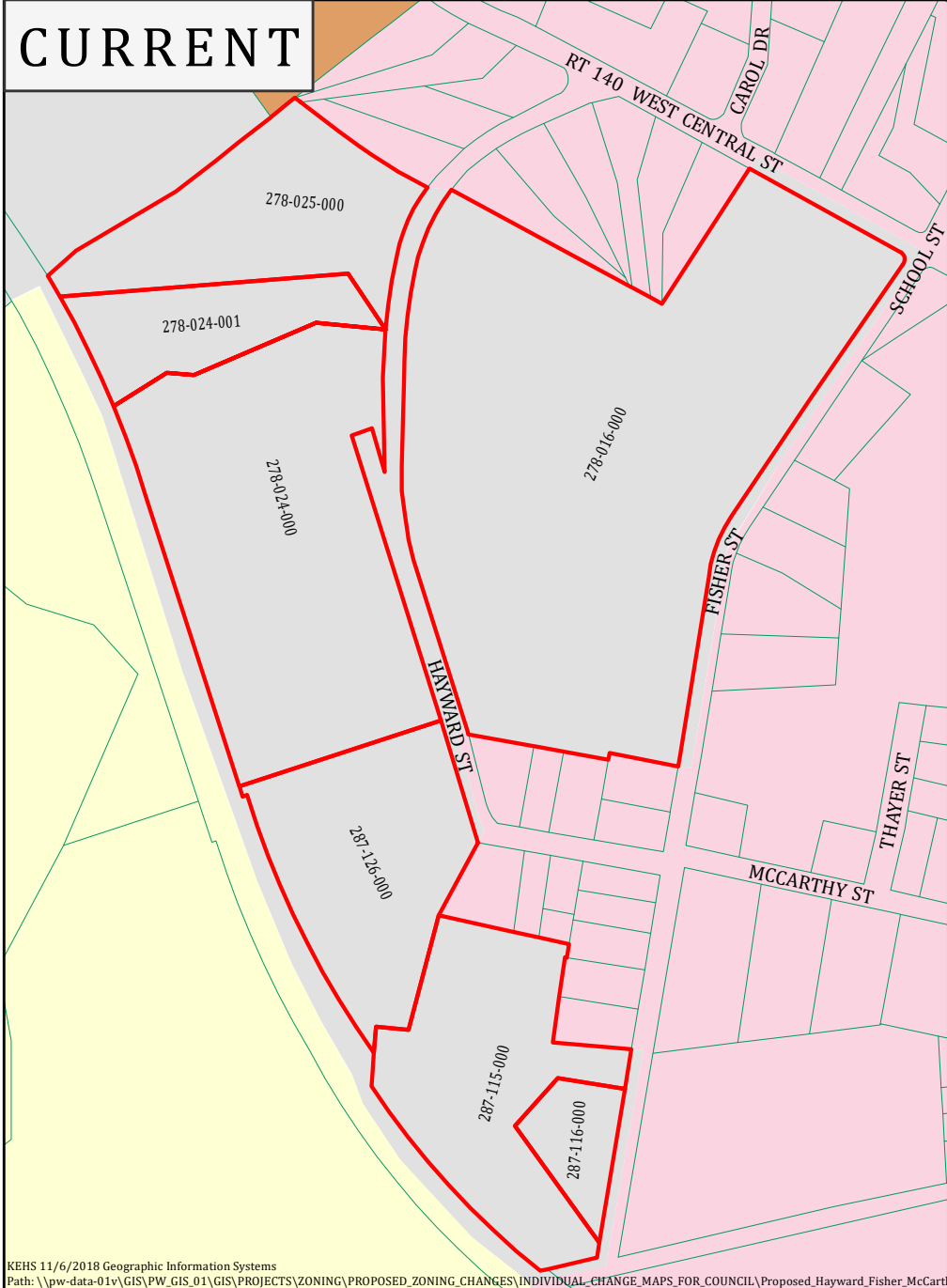
I = Industrial Zoning District

MBI = Mixed Business Innovation Zoning District

# Proposed Mixed Business Innovation Zoning District

- General Residential V
  - Rural Residential I
  - Industrial
  - Single-Family IV
  - Mixed Business Innovation
  - Area of Proposed Change
  - Parcel Line
- November 27, 2018

0 75 150 300 450 600 Feet



## PROPOSED MIXED BUSINESS INNOVATION ZONE SUMMARY OF ZONING AMENDMENTS

The Department of Planning and Community Development (DPCD) has developed the following summary to outline Zoning Bylaw Amendments required to create a new Mixed Business Innovation Zoning District. Rezoning the former Clark Cutler McDermott (CCM) properties and several adjacent parcels on Fisher and Hayward Streets from Industrial (I) to the proposed Mixed Business Innovation (MBI) Zoning District will increase the likelihood that the properties will be redeveloped.

The new Mixed Business Innovation (MBI) Zoning District would allow the continued medium and light manufacturing and warehouse/distribution uses, while allowing a much greater number of additional commercial uses.

### **Zoning Bylaw Amendment 19-829: Districts Enumerated. Creation of Mixed Business Innovation Zoning District**

Zoning Bylaw Amendment 19-829 creates the Mixed Business Innovation (MBI) Zoning District by adding its name and a description of intent to §185-4 of the Zoning Bylaw. As mentioned above the intent of the new Zoning District is to allow existing manufacturing and warehouse/distribution uses, and also allow a much greater range of allowed commercial uses.

The specific intent wording is as follows:

The Mixed Business Innovation District (MBI) is intended primarily for a mix of light industrial and commercial uses in an older industrial neighborhood. A strong emphasis is placed on encouraging reuse and redevelopment of older manufacturing and warehouse buildings, providing for a wide range of light industrial, commercial, cultural, institutional, or entertainment uses, including business incubator, co-working space, studio space, artisanal or craft maker space, art galleries, public art, performance venues, restaurants, cafes and retail that create and support a diverse economically and culturally rich environment. Residential uses and heavy manufacturing uses are not allowed.

### **Zoning Bylaw Amendment 19-830: Mixed Business Innovation Zone Use Regulations**

Zoning Bylaw Amendment 19-830 adds the MBI Zoning District to the Use Regulations Schedule (Part I through Part VII) in Attachments 2 through 8 of the Town's Zoning Bylaw. Given the substantial residential neighborhoods adjacent to the proposed MBI district, the new zoning district would eliminate heavy industrial uses and permit less undesirable uses.

In addition to adding a column for the MBI district to the Use Regulations Schedule, Zoning Bylaw Amendment 19-830 adds three uses to the Use Regulations Schedule: 1.) Business Incubator and Co-working Space; 2.) Artisanal and Craft Maker Space; and 3.) Art Gallery.

Two notes have been added to the Use Regulations Schedule:

- A note is added to Attachment 3 related to restaurants and retail establishments:  
*Allowed as part of a commercial mixed-use development. Stand alone restaurants and retail establishments are not allowed.*

- A note is added to Attachment 4 related to use of hazardous materials:

*All forms, solid, liquid and gas, of the following classes of hazardous materials shall be prohibited from the zone: Corrosives; Organic Peroxides; Oxidizers Pyrophoric; Toxic and Highly toxic; Unstable; and Water Reactive.*

This regulatory wording was found necessary to limit the use of hazardous materials of concern, given the proposed MBI Zoning District is directly adjacent to many residential properties.

### **Zoning Bylaw Amendment 19-831: Mixed Business Innovation Zone Dimensional Regulations**

Zoning Bylaw Amendment 19-831 adds the MBI Zoning District to the Zoning Bylaw's Schedule of Lot, Area, Frontage, Yard and Height Requirements in Attachment 9. Dimensional regulations for the proposed Mixed Business Innovation Zoning District are the same as the current Industrial Zoning District with one exception. Currently in the Industrial Zoning District the maximum building height could be as much as 60 feet by Planning Board special permit. The proposed MBI Zoning District would have a maximum building height of 50 feet by Planning Board special permit. The 50 feet maximum is the same as currently allowed in the Business, Commercial I, and Commercial II Zoning Districts.

### **Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs, Mixed Business Innovation Zoning District**

Zoning Bylaw Amendment 19-832 adds the new Mixed Business Innovation Zoning District to the Commercial and Business Corridor (CBC) Sign District. Other zoning districts within the CBC Sign District are Business, Commercial I, Commercial II and Limited Industrial.

### **Zoning Map Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation an Area on or near Fisher and Hayward Streets**

Zoning Map Amendment 19-833 is a simple Zoning Map Amendment changing the seven parcels discussed above from Industrial Zoning District to the new Mixed Business Innovation Zoning District. Owners of the seven parcels are being contacted and informed of the proposed zoning change.

### **Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District**

Zoning Bylaw Amendment 19-834: Updates the Sign District Overlay Map to reflect the Zoning Map changes in Zoning Map Amendment 19-833 above.

**Sponsor:** *Administration*

**TOWN OF FRANKLIN  
ZONING BY-LAW AMENDMENT 19-831  
MIXED BUSINESS INNOVATION ZONE DIMENSIONAL REGULATIONS  
A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT  
CHAPTER 185, 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** to §185, Attachment 9 Schedule of Lot, Area, Frontage, Yard and Height Requirements:



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 <sup>3</sup>
Rural Residential I	40,000	200	200	180 <sup>4</sup>	40	40	40	3	35	20	25
Residential VI	40,000	200	200	180 <sup>4</sup>	40	40	40	3	35	20	25
Residential VII <sup>11</sup>	40,000	200	200	180 <sup>4</sup>	40	40	40	3	35	20 <sup>12</sup>	25 <sup>12</sup>
Rural Residential II	30,000	150	200	135 <sup>4</sup>	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
Neighborhood Commercial	18,000	100	100	90	20	30	40	3	35	30	35
Rural Business <sup>13</sup>	40,000	200	200	180	40	30	40	1.5	30	10	30
Downtown Commercial	5,000	50	50	45	5 <sup>10</sup>	0 <sup>2</sup>	15	3 <sup>9</sup>	40 <sup>9</sup>	80	90
Commercial I <sup>7</sup>	5,000	50	50	45	20 <sup>1</sup>	10 <sup>14</sup>	15	3 <sup>15</sup>	40 <sup>15</sup>	80	90
Commercial II	40,000	175	200	157.5	40	30	30	3 <sup>15</sup>	40 <sup>15</sup>	70	80
Business	20,000	125	160	112.5	40	20	30	3 <sup>15</sup>	40 <sup>15</sup>	70	80
<b>Mixed Business Innovation</b>	<b>40,000</b>	<b>175</b>	<b>200</b>	<b>157.5</b>	<b>40</b>	<b>30<sup>5</sup></b>	<b>30<sup>5</sup></b>	<b>3<sup>15</sup></b>	<b>40<sup>15</sup></b>	<b>70</b>	<b>80</b>
Industrial	40,000	175	200	157.5	40	30 <sup>5</sup>	30 <sup>5</sup>	3 <sup>6</sup>	-	70	80
Limited Industrial	40,000	175	200	157.5	40	30 <sup>8</sup>	30 <sup>8</sup>	3 <sup>6</sup>	40 <sup>6</sup>	70	80
Office	40,000	100	100	90	20	30 <sup>5</sup>	30 <sup>5</sup>	3 <sup>6</sup>	40 <sup>6</sup>	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:

- <sup>1</sup> But no new structure shall be required to provide a deeper yard than that existing on that parcel upon adoption of this amendment.
- <sup>2</sup> Increase to 20 feet when abutting a residential district.
- <sup>3</sup> See definition of Upland §185-3, §185-36. Impervious Surfaces and §185-40. Water Resource District.
- <sup>4</sup> 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.
- <sup>5</sup> Increase by the common building height of the structure, when abutting a residential use.
- <sup>6</sup> Buildings up to 60 feet in height may be permitted by a special permit from the Planning Board.
- <sup>7</sup> Permitted residential uses must observe requirements of General Residential V District for residential use building only. Mixed use buildings are exempt from this requirement.
- <sup>8</sup> Increase by 1.5 the common building height of a structure, when abutting a residential district or use.
- <sup>9</sup> 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.
- <sup>10</sup> Minimum 5' setback required on first floor, street level; upper floors can overhang required first floor set back.
- <sup>11</sup> See §185-50.
- <sup>12</sup> 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.
- <sup>13</sup> Maximum gross building footprint of non-residential primary use structures is 3,500 square feet.
- <sup>14</sup> The 10 foot 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.

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.

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**DATED:** \_\_\_\_\_, 2019

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

**ABSTAIN** \_\_\_\_\_

**Teresa M. Burr**  
**Town Clerk**

**ABSENT** \_\_\_\_\_

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**Glenn Jones, Clerk**