

# **FRANKLIN PLANNING & COMMUNITY DEVELOPMENT**

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## **MEMORANDUM**

**TO: JEFFREY D. NUTTING, TOWN ADMINISTRATOR**  
**FROM: BRYAN W. TABERNER, AICP, DIRECTOR**  
**RE: ZONING BYLAW AMENDMENT 18-818: MAXIMUM BUILDING HEIGHT  
DIMENSIONAL REGULATIONS**  
**CC: JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR  
AMY LOVE, PLANNER**  
**DATE: JUNE 28, 2018**

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As you know the Economic Development Committee has debated the issue of maximum building heights during its recent meetings. Originally maximum building heights in the Commercial I Zoning District was the main subject of discussion, but other commercial and business Zoning Districts were eventually included. Consensus was reached at their June 20, 2018 meeting; the Committee voted to send the proposed amendments to the full Council for consideration.

DPCD has developed a zoning bylaw amendment related to maximum building heights in the following zoning districts: Commercial I (CI), Commercial II (CII), Downtown Commercial (DC), and Business (B). Below is a summary of current and proposed regulation.

### Current Maximum Building Height By Right

Currently all four zoning districts allow up to 3 stories and a maximum height of 40 feet by-right; no changes are proposed for by-right maximum building height.

### Current Maximum Building Height By Special Permit

Downtown Commercial Zoning District. In the DC zoning district up to 4 stories and/or 50 feet, whichever is less, may be permitted by a Special Permit from the Planning Board provided the structure is set back at least 15 feet from frontage.

Commercial I Zoning District. Up to 5 stories and/or 60 feet, whichever is greater, may be permitted by a special permit from the Planning Board.

Commercial II and Business Zoning Districts. A special permit for additional height is not currently an option for development within the Commercial II or Business Zoning Districts.

### Proposed Maximum Building Height By Special Permit

The proposed bylaw Amendment would allow developers to apply for a Planning Board special permit for building heights up to 50 feet in each of the four zoning districts.

In addition, the Zoning Bylaw amendment would eliminate the specific number of stories that may be allowed by special permit in each of the four zoning districts, giving developers/property owners more flexibility with building design.

The chart below provides a summary of proposed changes.

Zoning District	Maximum Building Height Allowed By Right		Maximum Height that <u>May</u> be Allowed by Planning Board Special Permit			
			Current Regulation		Proposed Regulation	
	Stories	Feet	Stories	Feet	Stories	Feet
DC	3	40	4 <sup>1</sup>	50 <sup>1</sup>	NA <sup>4</sup>	50 <sup>5</sup>
CI	3	40	5 <sup>2</sup>	60 <sup>2</sup>	NA <sup>4</sup>	50
CII	3	40	No <sup>3</sup>	No <sup>3</sup>	NA <sup>4</sup>	50
B	3	40	No <sup>3</sup>	No <sup>3</sup>	NA <sup>4</sup>	50

Notes:

<sup>1</sup> Up to 4 stories and/or 50 feet, whichever is less, may be permitted by a Special Permit from the Planning Board provided the structure is set back at least 15 feet from frontage.

<sup>2</sup> Up to 5 stories and/or 60 feet, whichever is greater, may be permitted by a special permit from the Planning

<sup>3</sup> Special permit for additional height is not currently an option.

<sup>4</sup> Not applicable. The number of stories is not important, only the maximum build height.

<sup>5</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.

#### Why Change Commercial I Regulations?

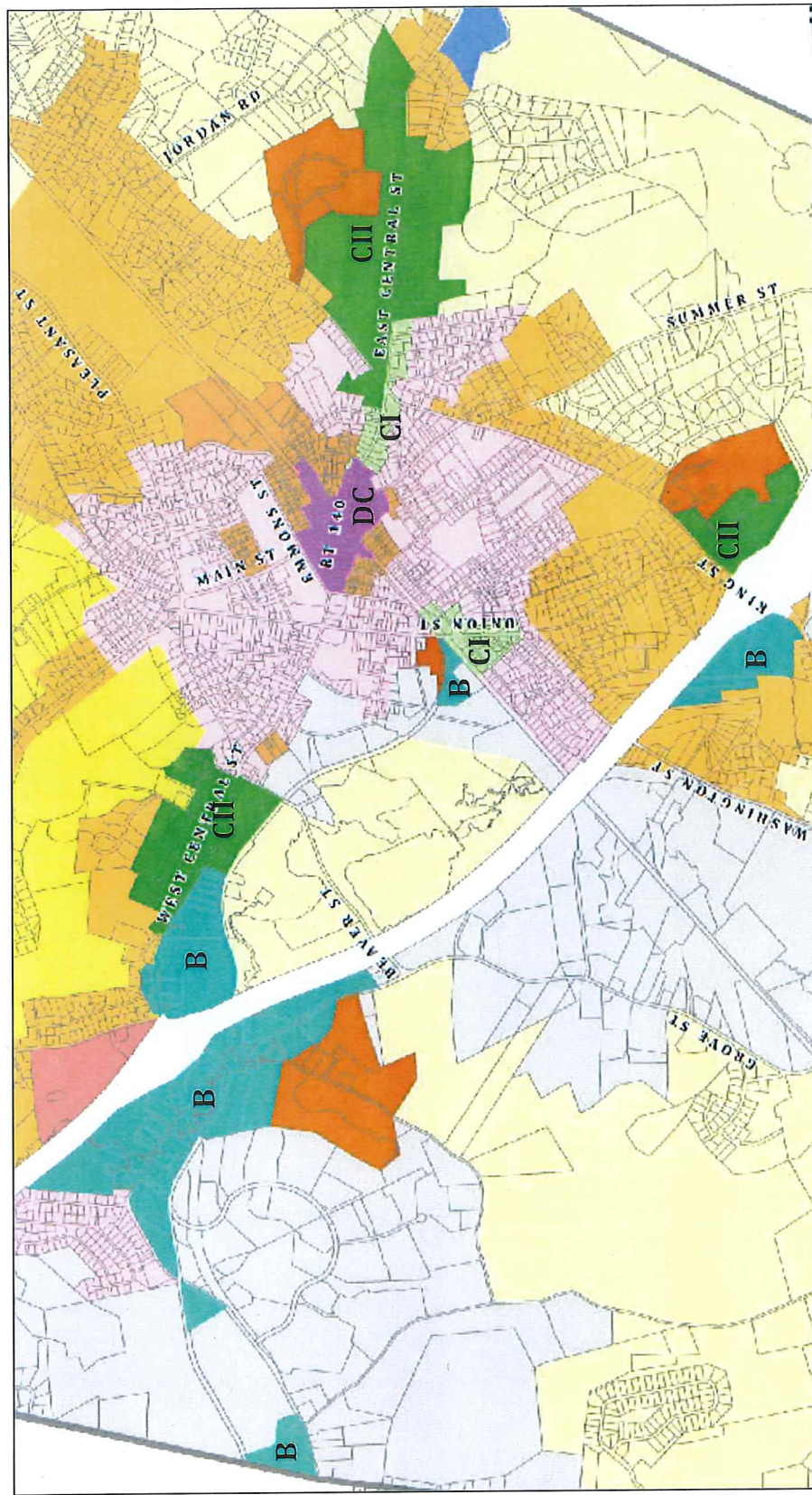
Town staff recommend changing the maximum height allowed by special permit in C1 to 50 feet. The CI Zoning District is generally along Union Street and Cottage Street, as well as on East Central Street near the King/Chestnut Street intersection. The buildings are generally smaller/shorter buildings than in the Downtown area. Having a 60 foot building in these areas would be completely out of character, especially in the Union/Cottage Street neighborhood.

Attached are the following:

- Diagram showing the location of Franklin's commercial and business Zoning Districts;
- Zoning Bylaw Amendment 18-818: Maximum Building Height Dimensional Regulations.

Please let me know if you have questions or require additional information.

# Location of Franklin's Commercial and Business Zoning Districts



	<b>B</b>
	<b>CI</b>
	<b>CII</b>
	<b>DC</b>
	<b>Commercial District</b>

June 28, 2018  
Franklin DPCD

**FOR DISCUSSION**

District	Current Stories By right	Current Height By right	Stories BY SP	Current Height SP	Proposed Change Special Permit	Proposed Ideas
Industrial	3	40	N/A	60		No Change
Downtown C1	3	40	4	50		
Business C2	3	40	5	60	50	The Cake Bar is 38 feet Make same as Downtown
	3	40	N/A		50	Increase height
	3	40	N/A		50	Increase height Municipal building is 37 feet

Business and C2 currently have 3 stories and 40 feet by right. This would change C1, C2 and Business to 50 feet by special permit and eliminate the number of stories by special permit in all zones listed

**Why reduce Height in C1-**

C1 is at generally along Union Street and Cottage Street. The buildings are generally smaller/short buildings Having a 60 foot building in that neighborhood would be completely out of character C1 on East Central from Ruggles to King street on the East side and to Lewis Street on the West side Having buildings higher than in Downtown makes no sense. Most of the structures are two stories A jump to five stories would be out of character

Business Zone is at the Franklin Village Mall and in two locations on the West side of 495 One at exit 16 and the other at exit 17

**Red Final recommendation to be determined by subcommittee**

Sponsor: *Administration*

**TOWN OF FRANKLIN**  
**ZONING BY-LAW AMENDMENT 18-818:**  
**MAXIMUM BUILDING HEIGHT 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 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	
	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>	0 <sup>2</sup>	15	3 <sup>6</sup> 3 <sup>14</sup>	40 <sup>6</sup> 40 <sup>14</sup>	90	100
Commercial II	40,000	175	200	157.5	40	30	30	3 <sup>3</sup> 3 <sup>14</sup>	40 40 <sup>14</sup>	70	80
Business	20,000	125	160	112.5	40	20	30	3 <sup>3</sup> 3 <sup>14</sup>	40 40 <sup>14</sup>	70	80
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

Seabacks: 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. Up to 5 stories and/or 60 feet, whichever is greater,** 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. Up to 4 stories and/or 50 feet, whichever is greater,** 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> **Buildings up to 50 feet in height 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.

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**DATED:** \_\_\_\_\_, 2018

**VOTED:**

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

**A True Record Attest:**

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

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

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

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

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**Glenn Jones, Clerk**