

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

June 2, 2023

To: Town Council
From: Jamie Hellen, Town Administrator

Re: Zoning Bylaw Amendments 23-894, 23-895R & 23-896

This is a public hearing and first reading of three zoning bylaw amendments listed below.

- 23-894: To Amend Chapter 185, Section 3 of the Code of the Town of Franklin to add Accessory Dwelling Unit (ADU) Definition
- 23-895R (formerly 23-895): To Amend Chapter 185, Attachment 8, Use Regulations Schedule Part VII: Accessory Uses of the Franklin Town Code to Add Accessory Dwelling Residential Units
- 23-896: To Amend Chapter 185, Section 19 of the Code of the Town of Franklin to Add on Accessory Dwelling Unit Setbacks

At their April 12th meeting the Town Council voted to refer these three bylaws to the Planning Board. 23-894 and 23-896 were referred to the Planning Board unanimously (8-0); 23-895 (now 23-895R) was referred to the Planning Board *as amended* with a vote of 6-2. As the Council may recall, the Council altered the EDC's recommendation to allow ADU's by right in the rural zoning districts.

The Planning Board voted unanimously (5-0) at their May 8th meeting to recommend adoption of all three, as originally presented by the EDC + Steering Committee, to the Town Council. In other words, the Planning Board is recommending to reject the amended version of 23-895.

For more information please see the 4/13/23 dated memo from Bryan Taberner, Director of Planning & Community Development, and the Certificates of Vote from the Planning Board which are included in the packet. The legal ad for the June 7th public hearing is also included.

Please let me know if you have any questions.

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Phone: (508) 520-4907
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PLANNING BOARD

The following notice will be published in the Milford Daily Newspaper once on Monday, April 24, 2023 and again on May 1, 2023

FRANKLIN PLANNING BOARD PUBLIC HEARING NOTICE

In accordance with the provisions of M.G.L. Chapter 40A, Section 5, notice is hereby given that the Planning Board will hold a Public Hearing on Monday, May 8, 2023 at 7:00 PM and the Town Council will hold a Public Hearing on June 7, 2023 at 7:00 PM to consider several amendments to Chapter 185 of the Code of the Town of Franklin as follows:

ZONING BY-LAW AMENDMENT 23-894: A Zoning By-law to amend Chapter 185 Section 3 of the Code of the Town of Franklin to add Accessory Dwelling Unit (ADU) Definition

ZONING BY-LAW AMENDMENT 23-895R: A Zoning By-law to amend Chapter 185, Attachment 8, Use Regulations Schedule Part VII: Accessory Uses of the Franklin Town Code to add Accessory Dwelling Residential Units.

ZONING BY-LAW AMENDMENT 23-896: A Zoning By-law to amend Chapter 185 Section 19 of the Code of the Town of Franklin to add text on Accessory Dwelling Unit Setbacks

The exact text of these proposed zoning bylaw amendments are posted on the website along with the hearing notice.

Please contact the Department of Planning & Community Development at (508) 520-4907 if you require further information or if you need to make arrangements to provide translation services for the hearing impaired, or for persons with language barriers.

Copies of the plan and supporting documentation may be reviewed in the Department of Planning & Community Development during regular office hours.

Greg Rondeau, Chairman

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: ZONING BYLAW AMENDMENTS 23-894, 23-895R, AND 23-896,
ACCESSORY DWELLING UNITS
CC: FRANKLIN PLANNING BOARD; MARK G. CEREL, TOWN ATTORNEY;
AMY LOVE, TOWN PLANNER; GUS BROWN, ZONING ENFORCEMENT OFFICER
DATE: APRIL 13, 2023

As you know, at their April 12, 2023 meeting Franklin Town Council voted to refer three accessory dwelling unit (ADU) related zoning bylaw amendments to the Planning Board for a public hearing. Before voting to refer to the Planning Board, the Council voted to make one revision to Zoning Bylaw Amendment 23-895, which has been renamed 23-895R. Below is a summary of ADU zoning, and the proposed zoning bylaw amendments.

What is an Accessory Dwelling Unit?

An accessory dwelling unit (ADU), also commonly referred to as an “in-law apartment”, is a secondary dwelling unit on the same lot as a larger primary dwelling unit. The ADU may be attached to the existing home, or detached in a small separate building. There are a variety of types of ADUs, including converted portions of existing homes, additions to new or existing homes, new stand-alone accessory structures, or converted portions of existing stand-alone accessory structures. The diagram below provides a summary of different type ADUs.



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

Source: *The ABCs of ADUs*, AARP 2019

ADUs provide a way to incrementally increase housing density in a way that is appropriate for existing neighborhoods. They are also a particularly good housing typology to meet the needs of seniors and people with disabilities who seek independence but still need support from family or other caregivers, but also for young adults without the income needed for a market rate housing unit. And ADUs can help

homeowners to stay in their homes because they are able to generate additional income by renting out an ADU.

Recent Planning Related to Housing

One of the recommendations from the Town's "Franklin For All" project is to "Create a new definition for 'accessory dwelling units' (ADUs) and allow them by-right" in certain zoning districts. In addition, the Town's 2022 Housing Production Plan contains strategies related to increasing the number of small housing units, including the following:

- Support development of smaller style rental and owner-occupied housing units to accommodate the needs of the Town's changing population.

- Encourage the development of smaller housing units to better meet the needs of a younger generation of households.

Increasing the number of ADUs would allow for subtle increases in density without impacting the character of single-family neighborhoods.

Current Permitting of ADUs in Franklin

Franklin currently allows ADUs by-right in the General Residential V (GRV) and Commercial II Zoning Districts, and by Zoning Board of Appeals (ZBA) special permit in several of the single-family residential districts, and the Downtown Commercial (DC) and Commercial I (CI) Zoning Districts. However, there is no specific definition for an ADU, and they are currently referred to as a "two-family by conversion" in the Zoning Bylaw's use regulations (185 Attachment 7, Use Regulation Schedule Part VI). Franklin's ZBA and the Zoning Enforcement Agent have managed the creation of ADUs in this manner for more than two decades.

Special Permits

Any resident seeking a ZBA special permit for an ADU will be required to meet standard special permit requirements outlined in Chapter 185, Section 45E(3). A list of the special permit requirements are listed on the next page for reference.

Proposed Zoning Changes

In addition to creating a definition, a minimum amount of related regulation should be added to the Town's Zoning Bylaw to ensure ADUs are only built on properties where they can be appropriately accommodated. The Department of Planning and Community Development has created three draft Zoning Bylaw amendments for consideration:

- Zoning Bylaw Amendment 23-894 adds an Accessory Dwelling Unit definition to §185-3 Definitions.

- Zoning Bylaw Amendment 23-895R adds Accessory Dwelling Units to §185, Attachment 8, Use Regulation Schedule Part VII, Accessory Uses.

- Zoning Bylaw Amendment 23-896 adds a subsection related to accessory dwelling units within detached buildings to §185-19 Accessory buildings and structures.

The three proposed Zoning Bylaw amendments are attached. Please let me know if you have questions or need additional information. We look forward to discussing the proposed Zoning Bylaw Amendments with the Planning Board and again with Town Council.

Criteria to Meet for a Special Permit

Uses requiring special permits must meet certain criteria, which are outlined in Chapter 185, Section 45E(3). See below.

185-45 Administration and enforcement

E. Special permits.

(3) Findings. Special permits shall be granted by the special permit granting authority only upon its written determination that the proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site. This determination shall be in addition to the following specific findings:

- (a)** Proposed project addresses or is consistent with neighborhood or Town need.
- (b)** Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
- (c)** Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.
- (d)** Neighborhood character and social structure will not be negatively impacted.
- (e)** Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication, or compensatory measures are adequate.
- (f)** Number, height, bulk, location and siting of building(s) and structure(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.
- (g)** Water consumption and sewer use, taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.

(4) Conditions. Special permits may be granted with such reasonable conditions, safeguards or limitations on time or use as the special permit granting authority may deem necessary to serve the purposes of this chapter.

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PLANNING BOARD

TOWN OF FRANKLIN
TOWN CLERK

2023 MAY 17 P 4:42

RECEIVED

May 17, 2023

Nancy Danello, Town Clerk
Town of Franklin
355 East Central Street
Franklin, MA 02038

CERTIFICATE OF VOTE

Zoning By-law Amendment #23-894

Accessory Dwelling Unit (ADU) Definition

Petitioner: Town of Franklin, Department of Planning and Community Development

Dear Mrs. Danello:

Please be advised that at its meeting on Monday, May 8, 2023 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to *RECOMMEND, as presented*, to the Town Council for the adoption of Zoning By-law Amendment #23-894, a Zoning By-Law to add Accessory Dwelling Unit Definition to Section 185-3 of the Franklin Town Code.

If you have any questions concerning this decision, please contact the planning staff or me.

Sincerely,

Gregory Rondeau
Chairman

cc: Town Council
Town Administrator

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CERTIFICATE OF VOTE

Zoning By-law Amendment #23-895R

Accessory Dwelling Unit Use Regulation Schedule

Petitioner: Town of Franklin, Department of Planning and Community Development

Dear Mrs. Danello:

Please be advised that at its meeting on Monday, May 8, 2023 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to *RECOMMEND, with changes*, to the Town Council the adoption of Zoning By-law Amendments #23-895R, a Zoning By-Law to add Accessory Dwelling Residential Unit to Section 185 Attachment 8 of the Franklin Town Code.

The Planning Board voted on May 8, 2023 to amend Zoning By-Law 23-895R to add a Special Permit requirement for RRI, RRII, RVI, & RVII and not be as of right that was recommended by the Town Council. The Planning Board is recommending this change based on the following information:

- The EDC plus Steering Committee held lengthy meetings and discussions recommending that the Special Permit be required in these zones.
- With the Special Permit criteria, it allows for the abutters to be notified.
- Recommended by the Building Commissioner, Director of Planning and Community Development and Chairman of the Zoning Board of appeals to be Special Permit

If you have any questions concerning this decision, please contact the planning staff or me.

Sincerely,

Gregory Rondeau
Chairman

cc: Town Council
Town Administrator

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Zoning By-law Amendment #23-896

Accessory Dwelling Unit Schedule

Petitioner: Town of Franklin, Department of Planning and Community Development

Dear Mrs. Danello:

Please be advised that at its meeting on Monday, May 8, 2023 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to *RECOMMEND, as presented*, to the Town Council for the adoption of Zoning By-law Amendment #23-896, a Zoning By-Law to amend Accessory Dwelling Unit Schedule to Section 185-19 (B) of the Franklin Town Code.

If you have any questions concerning this decision, please contact the planning staff or me.

Sincerely,

Gregory Rondeau
Chairman

cc: Town Council
Town Administrator