

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

September 1, 2023

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

Re: Zoning Bylaw Amendment 23-898: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements

This is a second reading and final vote of Zoning Bylaw Amendment 23-898.

At their June 7th meeting, the EDC voted unanimously (4-0) to amend Zoning Bylaw Amendment 23-898 by increasing the percent of maximum impervious coverage allowed in the General Residential V (GRV) zoning district to 45% (structures) and 55% (structures plus paving) and to move Zoning Bylaw Amendment 23-898, as amended, to the full Town Council for consideration.

On June 21st, the Town Council voted unanimously (9-0) to refer Zoning Bylaw Amendment 23-898 to the Planning Board.

At their July 24th meeting, the Planning Board voted unanimously (5-0) to recommend adoption of this bylaw amendment, *with changes*, to the Town Council. They voted to change the percentage of maximum impervious coverage allowed in the GRV zoning district back to the recommendation of the Department of Planning & Community Development: 35% (structures) and 45% (structures plus paving). In other words, the Planning Board is recommending to reject the EDC amended version of 23-898.

Finally, at their August 16th meeting, the Town Council voted to uphold the recommendation of the EDC and move Bylaw Amendment 23-898, as presented, to a second reading.

For detailed information regarding Zoning Bylaw Amendment 23-898, please see the 6/14/23 dated memo from Bryan Taberner in the packet. The 7/25/23 dated Certificate of Vote Letter from the Planning Board and the legal ad for the Planning Board and Town Council public hearings are also included in the packet.

Please let us know if you have any questions.

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

355 EAST CENTRAL STREET, ROOM 120

FRANKLIN, MA 02038-1352

TELEPHONE: 508-520-4907

FAX: 508-520-4906

MEMORANDUM

TO: FRANKLIN TOWN COUNCIL

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: JAMIE HELLEN, TOWN ADMINISTRATOR; MARK G. CEREL, TOWN ATTORNEY; AMY LOVE, TOWN PLANNER; GUS BROWN, ZONING ENFORCEMENT OFFICER

DATE: JUNE 14, 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. The table below provides a comparison of the maximum impervious coverage percent allowed within various zoning districts.

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%

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

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, and at their June 7, 2023 meeting DPCD presented Zoning Bylaw Amendment 23-898, which proposed small maximum impervious coverage changes. At that time the Economic Development Subcommittee members discussed and debated the proposed changes, and eventually voted to increase the recommended

percent of maximum impervious coverage allowed in GRV, and send the Zoning Bylaw Amendment to the full Council for consideration.

The table below is a comparison between the Existing maximum impervious coverage allowed, the DPCD proposed changes, and the Economic Development Subcommittee recommended changes.

Maximum Impervious Coverage of Existing Upland			
Zoning District	Structures		Structures Plus Paving
Existing Zoning Regulations			
General Residential V	30%	35%	35%
DPCD Proposed Changes (Zoning Amendment 23-898)			
General Residential V	30% 35%	35% 45%	35% 45%
EDC Recommended Changes (Zoning Amendment 23-898)			
General Residential V	30% 45%	35% 55%	35% 55%

The Zoning Bylaw Amendment has been revised to include the Economic Development Subcommittee recommended maximum coverage percentages; see attached Zoning Bylaw Amendment 23-898.

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).

We look forward to discussing the proposed Zoning Bylaw Amendment at the next Town Council Meeting.

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



PLANNING BOARD

Phone: (508) 520-4907
www.franklinma.gov

TOWN OF FRANKLIN
TOWN CLERK

2023 JUL 26 P 4: 37

RECEIVED

July 25, 2023

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

CERTIFICATE OF VOTE

Zoning By-law Amendment #23-898

GRV Impervious & CI 3-Family

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

Dear Mrs. Danello:

Please be advised that at its meeting on Monday, July 24, 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 Amendment #23-898, a Zoning By-Law to amend Section 185 Attachment 9 of the Franklin Town Code.

The Planning Board voted on July 24, 2023 to amend Zoning By-Law 23-898 to the GRV impervious surface as recommended by DPCD. The increase for Structures will be from 30% to 35% and the structures with paving is 35% to 45%. The Planning Board is recommending this change based on professional staff that originally recommended the impervious area percentages.

The Planning Board also on Monday, July 24, 2023, upon motion duly made and seconded, voted (5-0-0) to *RECOMMEND, as presented*, CI 3-Family amendment.

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

Sincerely,

Gregory Rondeau
Chairman

cc: Town Council
Town Administrator

Town of Franklin

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Franklin, Massachusetts 02038-1352



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PLANNING BOARD

The following notice will be published in the Milford Daily Newspaper once on Monday, July 10, 2023 and again on July 17, 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, July 24, 2023 at 7:00 PM and the Town Council will hold a Public Hearing on Wednesday, August 16 at 7:00 PM in the Council Chambers of the Franklin Municipal Building, 355 East Central Street (also available to be attended remotely) to consider amending Chapter 185, Attachment 9 of the Code of the Town of Franklin.

ZONING BY-LAW AMENDMENT 23-898

That Chapter 185 of the Code of the Town of Franklin is hereby amended by additions and deletions to §185, Attachment 9, Schedule of Lot, Area, Frontage, Yard, and Height Requirements.

The exact text of the proposed zoning bylaw addition is 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 Board

Tom Mercer, Chairman
Franklin Town Council



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 45	35 55
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