

LAND USE

Introduction

Land use refers to the function of a physical parcel or tract of land. Land uses include agricultural, residential, commercial, business/office, industrial, institutional, recreational, open space, and mixtures of these elements. Land uses include transportation infrastructure and environmental resources including water, soil, grasslands, and forests. The composition of these elements affects the economic prosperity, environmental quality, and cultural fabric of the town and region. Land use also determines the scope of employment opportunities, access to goods and services, access to recreation, and housing availability. Most noticeably, land use influences the physical character and appearance of the town. Land use affects the physical design of transportation systems, the availability of transportation options, and whether or not an area experiences traffic congestion, as well as people's satisfaction with the transportation systems.

As mentioned in the Community Services and Facilities section of the Master Plan, land uses affect the amount of property tax revenue the Town receives, as well as the amount of expenditures for Town services. Developed land brings in more revenue than undeveloped land, but development, especially residential development, requires funding more services e.g. schools, road maintenance etc.; therefore, it is important to plan for the infrastructure and services costs associated with development. Land use also affects a town's tax base over the long term because of its deep connection to quality of life. Maintaining a balance between open space and developed land and fostering livability wherever development occurs will create a higher quality of life that can help lead to long term prosperity.

Development Patterns

Brief History of Land Use in Franklin

A community's land use changes over time as technology changes and populations grow and decline. When Franklin was founded in 1778, it was primarily an agrarian society. As industrial development grew in the 18th and 19th century, so did the Town's population, mostly in the Downtown and Unionville areas and along long-established roadways. During the last quarter of the twentieth century Franklin experienced an explosion of growth, which was spurred on by construction of Interstate 495, and rezoning of former agricultural and residentially zoned properties to industrial. Franklin's great location positioned it as a residential hub, a major regional distribution center for goods, and a regional employment center.

Growth Trends

Development in Franklin has been on a long term upward trajectory since the 1970s. While growth continues in the Town, the rate of growth has slowed tremendously since the 90s and early 2000s. As Table LU-1 shows, the rate of growth from 1971 to 1985 was brisk with a 26% change from undeveloped to developed land. However it was small compared to the change of 73 percent from undeveloped to developed land between 1985 and 1999. Growth finally began to slow in late 2007 and continues to be moderate into present times.

Franklin's rapid rate of residential growth from 1985 to 1995 strained Town services and changed the community's character. In response to the Town's rapid growth, the 1997 Master Plan established three goals relating to industrial and commercial zoning, reducing residential build out, and maintaining Franklin's New England character. Towards these ends, the plan set a target growth rate of no more than 100 building permits per year.

Franklin adopted a Growth Management Bylaw in October 1997 which was designed to guide development to minimize excessive demands on the Town's infrastructure and services including fire protection, water, sewer, schools, transportation, recreation, and police protection, however, this Bylaw expired in June of 2009.

Table LU-1: Land Development Percent Change Between 1971-1999

Year				1971-1985 Change in Developed Land		1985-1999 Change in Developed Land		1971-1999 Change in Developed Land	
	1971	1985	1999	Change	% Change	Change	% Change	Change	% Change
Undeveloped Land (acres)	13,771	12,852	9,649	919.6	26%	3,202.4	73%	4,122.0	118%
Developed Land (acres)	3,496	4,416	7,618						
Percent Developed	20%	26%	44%						

Source: Data accessed from MassGIS (<http://www.mass.gov>). Note: the "Developed" vs. "Undeveloped" aggregations were based on the following MacConnell land use codes: Developed Land = MacConnell codes 7,8,9,10,11,12,13,15,16,17,18,19; Undeveloped Land = MacConnell codes 1,2,3,4,5,6,14,20,21

Land Use Oversight

In Franklin, there are several departments, boards, committees, and personnel that are responsible for making land use decisions. Two Departments that are most closely involved with land use decisions are the Building Department and the Department of Planning and Community Development and their staff; see the Public Services and Facilities Section for a further description of these Departments. In addition to Departmental oversight of land use issues, there is also the involvement of the following Boards and Committees:

Planning Board

The Planning Board is responsible for reviewing site plans, some use special permits, and subdivision plans. The Board has five members and one associate who are elected from the Town at-large for four-year overlapping terms. Site plans are reviewed under Chapter 185 of the Town of Franklin Zoning Bylaw while subdivisions are reviewed under Chapter 300 of the Town of Franklin Subdivision Regulations.

Zoning Board of Appeals

The Zoning Board of Appeals (ZBA) is responsible for approving variance requests, some special permits, and Chapter 40B applications. The ZBA consists of three appointed members, and 3 appointed associate members.

Conservation Commission

The Conservation Commission is the official agency charged with the protection of Franklin's natural resources. The first powers given to the Commission (ref Conservation Commission Act of 1957 - MGL Ch.40 sec. 8C) focused on "promotion and development of natural resources...and protection of watershed resources." In 1972 Conservation Commissions were authorized to administer the Massachusetts Wetlands Protection Act (M.G.L. Ch 131 sec. 40), the first act of its kind in the Nation. Additionally, the Conservation Commission is charged with administering the Town's Wetland Protection Bylaw (Codebook, Chapter 181). The State's Wetlands Protection Act prohibits any filling, excavation, or other alteration of the land surface,

water levels, or vegetation in wetlands, floodplains, riverfront areas or other wetland resource areas regardless of ownership without a permit from the local Conservation Commission.

Zoning

A municipality's authority to create zoning laws comes from Chapter 40A of the Massachusetts General Laws and Article 89 of the Amendments to the Massachusetts Constitution. Zoning plays an important role in the character of the town and the spatial distribution of land uses. This distribution of land uses has social, environmental, and economic consequences on the Town. These consequences can have positive and negative impacts. For example, increased economic development can help support the Town's tax base and provide local jobs, but it can also lead to increased traffic congestion. Also, the ways in which development occurs impacts how stormwater is managed, and therefore affects the quality and supply of the Town's water. Since zoning regulations affect where specific types of development are allowed, it plays a crucial role in the livability of the Town.

In the past sixty years land use theory on zoning has changed considerably. During the mid-20th century single-use zoning became the norm. The developed areas of most communities increased substantially and spread out as residential, commercial, and industrial areas were built far apart from each other. Franklin experienced this pattern of development, commonly known as sprawl, to some extent in the mid twentieth century, but by the 1980s and 1990s residential sprawl had occurred throughout Town, substantial industrial development was occurring on industrially zoned lands west of I-495, and commercial development was increasing along Route 140.

There are both benefits and advantages, and costs and disadvantages, to this type of development. Some of the benefits and advantages include: ease of permitting; segregated residential areas are thought of as safe; and homes segregated away from commercial and industrial uses often have higher values. Some of the disadvantages and negative consequences of sprawl include increased traffic congestion and time commuting, loss of open spaces, damaged natural resources and wildlife habitat, and loss of a rural New England character. Furthermore, low-density, sprawling development tends not to pay for itself due to the higher infrastructure costs. The Town has recognized the advantages and disadvantages of single-use development and has worked to minimize these issues by amending the Town's Zoning Bylaws.

Description of Zones

Franklin's zoning code is documented in Chapter 185 of the Town Code for the purpose of promoting the:

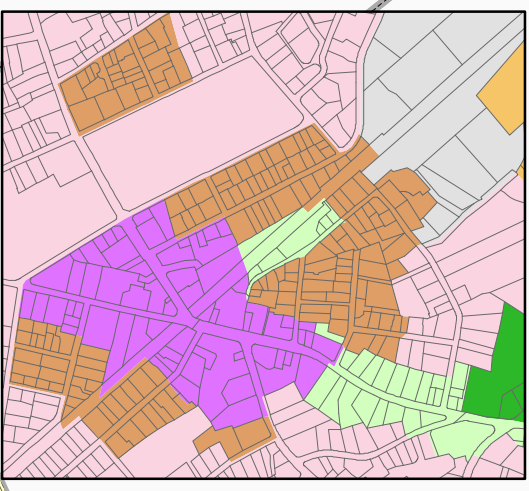

"health, safety, convenience, morals and welfare of the inhabitants of the Town of Franklin, to lessen the danger from fire and congestion, to encourage the most appropriate use of land and to improve the Town under the provisions of Chapter 40A of the General Laws, and of Article 89 of the Amendments to the Constitution. For this purpose, the use, construction, repair, alteration, height, area and the location of buildings and structures and the use of premises in the Town of Franklin are regulated as hereinafter provided."

The zoning code is regularly modified to reflect the current needs of the Town. At present, the Town Code divides Franklin into 14 Zoning Districts. It should be noted however, that while Zoning Districts have been established within Chapter 185 Section 4 for Limited Industrial and Neighborhood Commercial, no parcels have formally been designated to those zoning districts, and thus are not shown on the Town's Zoning Map (see Map LU-1: Zoning Map).

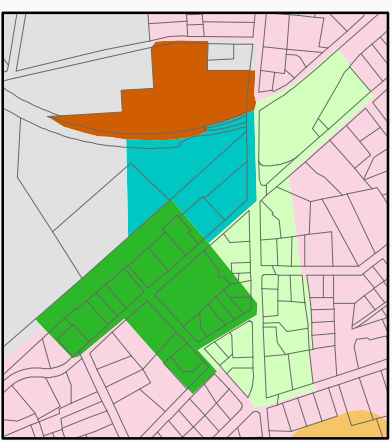
Z O N I N G M A P

Map LU-1

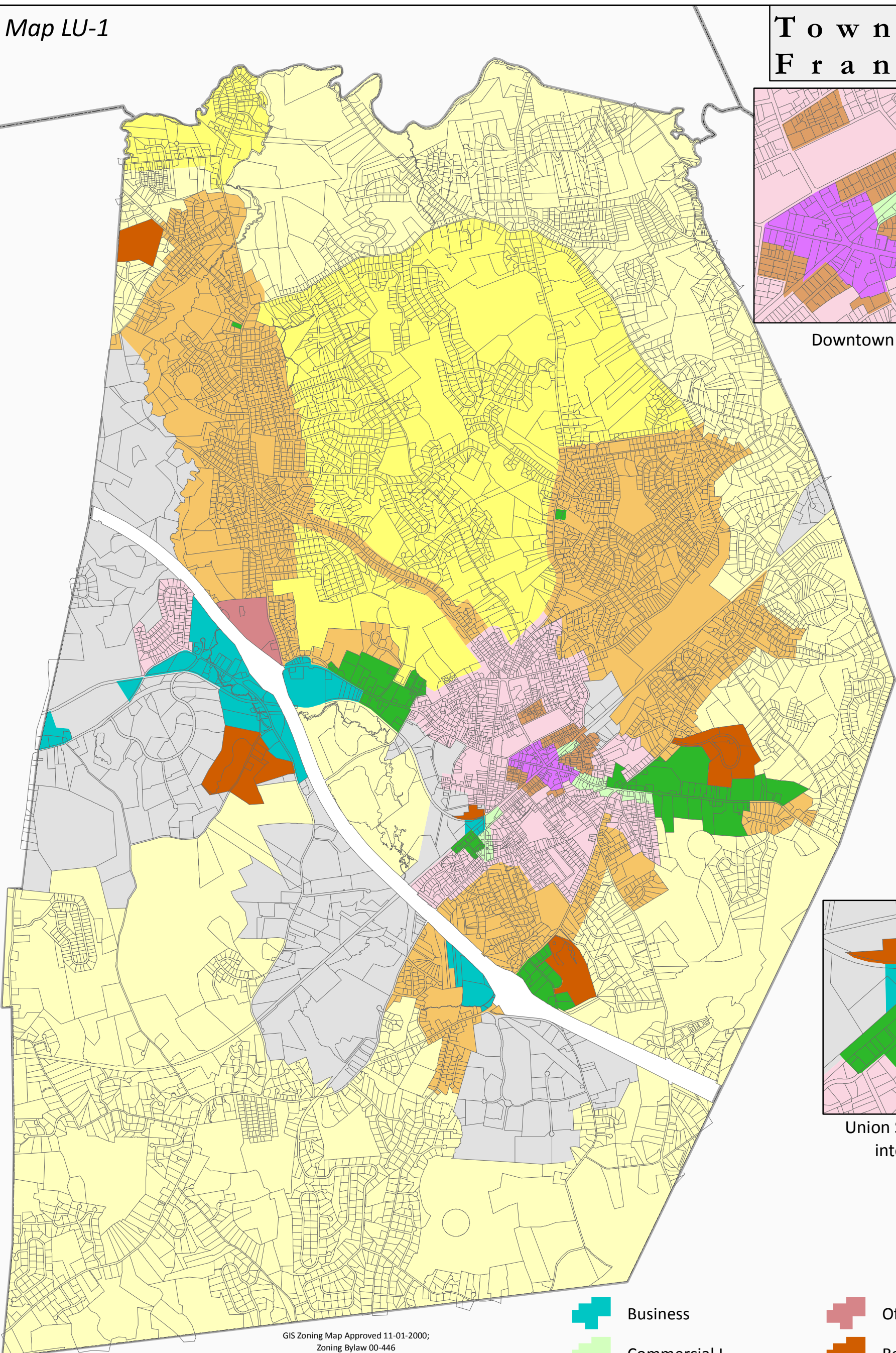
Town of Franklin



Downtown Franklin















Union St/Cottage St intersection



- GIS Zoning Map Approved 11-01-2000;
Zoning Bylaw 00-446
- | | |
|-------------------------------|-------------------------------|
| -Amendment 99-414: 07-21-1999 | -Amendment 07-607: 09-05-2007 |
| -Amendment 00-444: 12-06-2000 | -Amendment 07-608: 09-05-2007 |
| -Amendment 00-454: 04-18-2001 | -Amendment 07-609: 09-05-2007 |
| -Amendment 01-469: 07-11-2001 | -Amendment 07-610: 09-05-2007 |
| -Amendment 01-474: 08-15-2001 | -Amendment 08-625: 11-05-2008 |
| -Amendment 01-475: 08-15-2001 | -Amendment 11-652: 07-13-2011 |
| -Amendment 01-479: 12-05-2001 | -Amendment 12-666: 01-04-2012 |
| -Amendment 02-492: 02-20-2002 | -Amendment 12-689: 10-03-2012 |
| -Amendment 02-500: 07-17-2002 | -Amendment 13-705: 05-15-2013 |
| -Amendment 02-506: 11-20-2002 | |
| -Amendment 03-520: 08-06-2003 | |
| -Amendment 04-539: 06-02-2004 | |
| -Amendment 05-558: 03-23-2005 | |
| -Amendment 05-559: 03-02-2005 | |



- | | | | |
|---|------------------------------|---|----------------------|
|  | Business |  | Office |
|  | Commercial I |  | Residential VI |
|  | Commercial II |  | Rural Residential I |
|  | Downtown Commercial District |  | Rural Residential II |
|  | General Residential V |  | Single-Family III |
|  | Industrial |  | Single-Family IV |

All of the Town's Zones are as follows: Rural Residential I (RRI), Rural Residential II (RRII) , Single-Family Residential III (SFIII), Single-Family Residential IV (SFRIV), General Residential V (GRV), Residential VI (RVI), Commercial I (CI), Commercial II (CII), Business (B), Industrial (I), Limited Industrial (LI), Neighborhood Commercial (NC), Office (O), and Downtown Commercial (DC).

Table LU-2 below provides information on the acreage and percent of Franklin's land area encompassed by each of the above mentioned Zoning Districts. The raw acreages for each Zoning District does not tell the full story, as large swaths of the Town's lands are protected from development, regardless of the district it may occupy.

As shown in Table LU-2, 14,742 of the Town's 16,995 acres are considered "developable", which is 87% of the Franklin's total land area. Conversely, 13% of the land (2,252 acres) is estimated to be "undevelopable." These numbers are approximate.

Table LU-2: Use District Acreage

Zoning District	Total Acres	Percent of Total Land	Developable Acres	Percent of Total Land
RRI	8,016.00	47.20%	6,734.20	39.60%
SFII	2,530.60	14.90%	2,329.50	13.70%
SFRIII	2,487.50	14.60%	2,174.80	12.80%
SFIV	733.8	4.30%	712.2	4.20%
RVI	212	1.20%	212	1.20%
GRV	51.5	0.30%	51.5	0.30%
I	2,325.90	13.70%	1,900.60	11.20%
LI	0	0%	0	0%
CI	34.6	0.20%	34.6	0.20%
CII	275.9	1.60%	275.8	1.60%
DC	36.2	0.20%	35.7	0.20%
NC	0	0%	0	0%
B	250	1.50%	240.7	1.40%
O	41.1	0.20%	41.1	0.20%
Total Acres	16,995.0 (26.5 m²)	100%	14,742.7 (23.0 m²)	86.7%

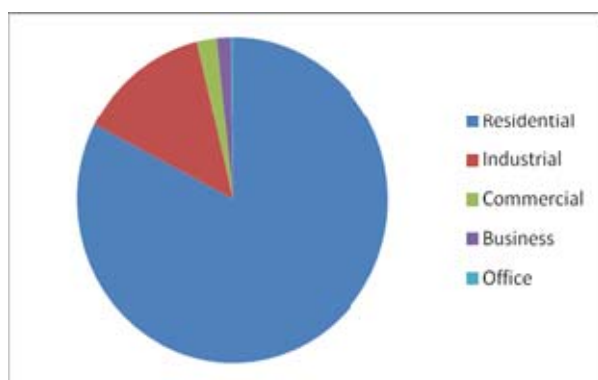
Source: Franklin GIS, 2013 data. Note: All acreages listed are approximate

The following eight categories of land use are classified as undevelopable land in Town: State and Federal Parcels; State Forests and Recreation Lands; Town Parks; US Army Corps Land (wetlands); Town of Franklin Water Department and Conservation Lands; Chapter 61, 61A & 61B Lands; Metacomet Land Trust properties; and Private Recreation Areas. Among these eight categories, some, such as State Park and Recreation Lands, offer permanent protection from development. Other lands, such as Chapter 61(A & B) lands allow a land holder to enter into an agreement with the Town to receive property tax reductions in exchange for leaving properties in a protected state, and utilized for forest, agricultural/horticultural, and/or recreational. In the future however, a land owner may choose to remove lands from protection,

offering the Town the right of first refusal to purchase and then if the Town waives the right to purchase, the land owner may then choose to sell or develop the land with no restrictions.

There are over 2,000-acres of Town and State-owned lands that are permanently protected and approximately 1,248-acres Chapter 61, 61A & 61B lands within Franklin; see the Open Space and Recreation Section for a complete description of these areas.

By looking at Table LU-2 it is clear that the Rural Residential I district encompasses the largest amount of land, occupying 47% of the Town's total acreage. Single Family III, Single Family II, and Industrial are all of similar acreage, occupying plus or minus 14% each. Table LU-3 below aggregates the uses into broader categories for comparison. Residential land uses represent the greatest amount of the Town's land uses, with a combined 14,031.3-acre or 82.6% of Franklin's total acreage. Industrial uses are the second largest use with 13.7% acreage, while Commercial, Business and Office uses amount to less than 3% combined. The information is also shown graphically in Figure LU-1.



LU-Figure 1: Pie Chart of Aggregate Land Use Categories

Table LU-3: Aggregated Uses

Land Use Category	Acreage	% of Total Land
Residential	14,031.3	82.6%
Industrial	2,325.9	13.7%
Commercial	346.7	2.0%
Business	250.0	1.5%
Office	41.1	0.2%
Total Acres	16,995.0 (26.55 sq. miles)	100%

Growth Management

One of the most effective ways the Town manages growth and protects its environment is by regulating land use through zoning. The Town of Franklin has requirements in place to ensure natural resources are protected and development follows current best practices in planning and management in order to create a sustainable community. In many cases, Franklin's land use policies are already improving issues and ameliorating problems that other Towns are only beginning to grapple with. Many of the Town's Zoning Bylaws and other development initiatives, such as Overlay Districts, Economic Development Areas, and Priority Development Sites, are meant to assist in creating sustainable developments in Franklin. Examples of policies and regulations having positive impacts on the management of Franklin's growth are summarized below:

Smart Growth - The Town of Franklin is proactive in addressing land use issues, and while Franklin has not adopted a smart growth bylaw, it has implemented many of the practices that are recommended by smart growth advocates. The principles of Smart Growth are to encourage developments that maximize economic development, offer a variety of housing options and provide access to public transportation options while minimizing the impact on natural resources. Smart Growth principles are important for a community to preserve the natural environment while allowing responsible development to occur.

Site Plan Review and Design Review Standards - Section 185-31, Site plan review and design review, was completely rewritten in 2012 and approved by Town Council in 2013; the

rewritten bylaw clarified site plan and design review application requirements, including providing a formal process for applying for a limited site plan application. The Zoning bylaw amendments were intended to clarify the development application process and streamline the permitting process, while protecting Franklin's New England character.

Best Development Practices - Franklin developed a Best Development Practices Guidebook (BDP) which is meant for developers, designers and project reviewers and is intended to improve the quality of developments in Franklin. Section V of the BDP most closely relates to the principles of Smart Growth in its discussion of Site Design. The BDP references that "Subdivisions and Site Plans for all forms of development shall adhere to the principles of environmental compatibility, and energy-efficient design". Also included in the BDP is the concept of Low Impact Development (LID) which encourages more ecological sustainability by preserving natural areas and managing water resources. For new developments, LID strategies employed for site development include management of all stormwater discharged from the site on site as a result of the new development.

Overlay Districts - Overlay districts allow towns to restrict or permit certain uses on areas of land while maintaining the underlying zoning. These regulations can be used to protect vital resources, encourage specific types of development, or ensure public safety; all are meant to funnel specific types of development to the most appropriate area of Town. The Town of Franklin currently utilizes eight overlay zoning districts designated in Chapter 185 Section 4 of the Town Code: Flood Hazard District, Water Resource District, Wireless Communications Services District, Biotechnology Use Zoning District, Adult Use Overlay District, Senior Village Overlay District, Sign District Map and Medical Marijuana Use Overlay District.

Economic Development Designations - Economic Opportunity Areas and Priority Development Sites are two additional tools the Town utilizes to encourage site specific economic development within the community. Economic opportunity area and priority development site designations are parcel designations granted for purposes such as expedited permitting or development tax incentives, in order to help businesses grow and be successful within Franklin. The Economic Development Element provides additional information about these designations.

Open Space Development - The Town's Open Space Development Bylaw (Chapter 185 Section 43) seeks to permanently preserve land in its natural state allowing for passive and active recreation, while accommodating a variety of single-family housing styles suited to the natural landscape of an area.

Special Permits - Special permits (Chapter 185 Section 45) are utilized by both the Planning Board and the Zoning Board to ensure developments do not overbalance its benefits on neighborhoods or the Town in view of particular characteristics of the site and of the proposal in relation to the site.

Use and Dimensional Regulations - The Town's Zoning Bylaw contains detailed regulations for many aspects of land use, including: Use Regulations (Chapter 185, Article III), Density Regulations (Chapter 185, Article IV), and Special Regulations (Chapter 185, Article V). Over the last few years the Town has amended many of the Zoning Bylaw's sections in order to streamline the development permitting process, and keep in step with current planning principles. Franklin's Zoning Bylaws were created in order to help plan efficient and effective development in Franklin, many of which utilize Smart Growth principles. Please refer to Franklin's Town Code for a complete list of Zoning Bylaws (Chapter 185).

Population Forecasting

Population forecasting is an important part of planning for the future. As the Town has seen in the past three decades, population growth has its benefits and its challenges. Generally, population growth means the local economy is healthy, and the Town is attracting new residents and businesses. However, growth requires increases in municipal services, including schools, safety personnel, and infrastructure maintenance.

Although, the population of Franklin nearly doubled from approximately 1980 to 2010, this rate of growth is not expected to continue for several reasons. First of all, the Town currently has a structural deficit. Residential development, particularly if it brings in families with children, often costs more to service than is brought in through taxes. For that reason in order to ensure the Town can balance its budget, Franklin has taken a pro-business approach to development. Secondly, by comparing the two maps and noting the zoning, it is clear that most of the Town is built-out. Areas that look like they could have space for development in the rural residential zones often contain wetlands and are therefore practically undevelopable. (See Map LU-2: Historic Community Map 1942-1946; and Map LU-3: Historic Community Map 1996-1997).

Population density, a measurement of how many people there are in a certain area, is useful for long term planning as it allows decision makers to determine whether development is likely and if increased municipal services may be required. It also helps determine whether current infrastructure is at or nearing capacity. As of 2013, Franklin had an estimated population of 33,092. Table LU-4 shows a comparison of Franklin's populations between 1980 and 2012. With a land area of approximately 26.55 square miles, the Town's population density was about 1,246 people per square mile.

Table LU-4: Population Change Over the Last 32 Years

Year	Population
1980	17,000 (estimate)
2000	29,560
2010	31,635
2012	33,092

1997 Buildout Analysis

For the 1997 Master Plan, the Town commissioned a Buildout Analysis to learn more about the potential of continued growth in the Town. The "Build Out" analysis examined how much land was potentially available for development. The map in Figure LU-2 shows the areas that were underdeveloped that could still be developed based on wetlands limitations. A summary of the underdeveloped properties is included in Table LU-5.

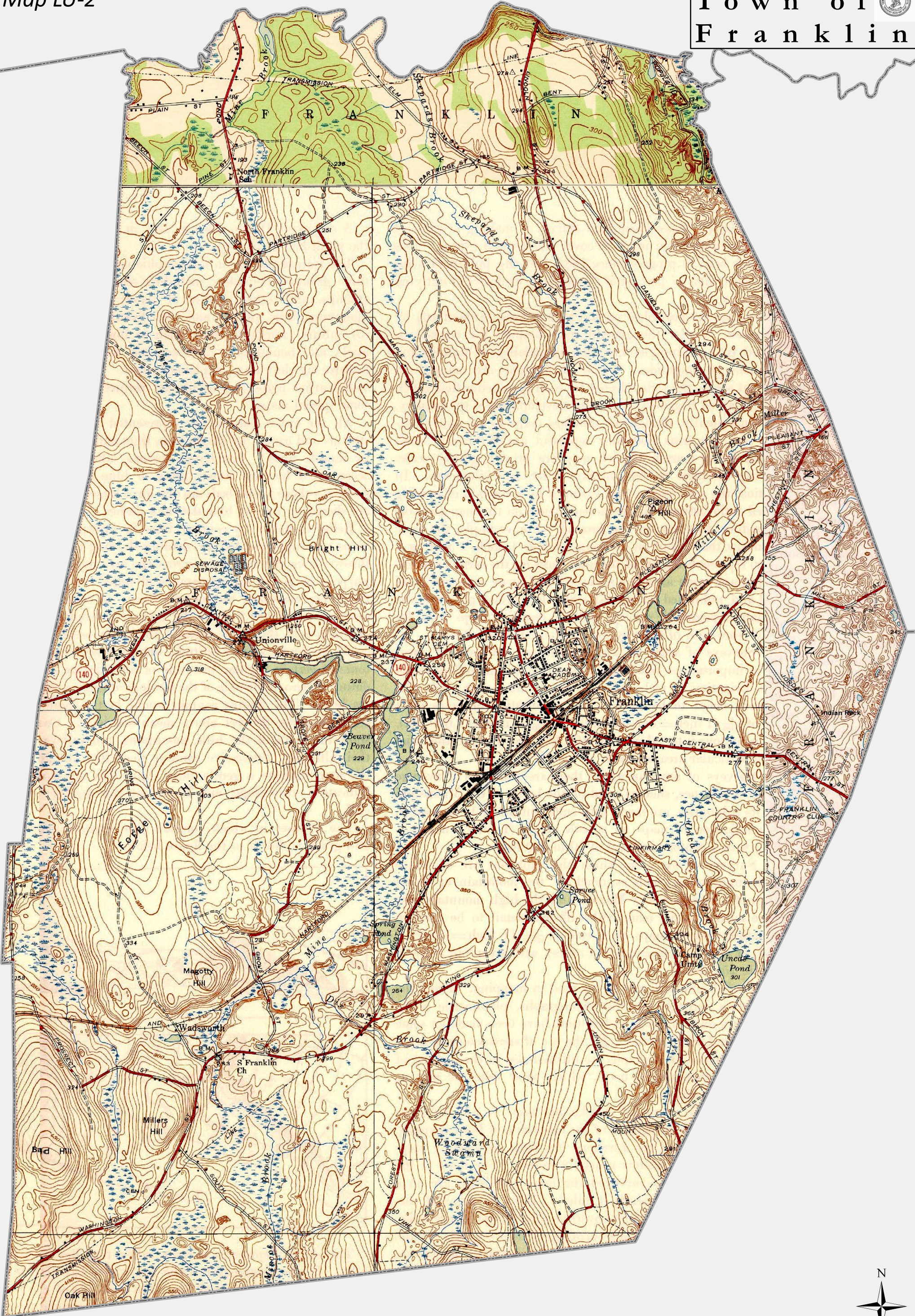
Table LU-5: Underdeveloped Properties 1997

Zone	Original	Acres	New Lots
RR1	188	1,018	943
RR1	15	646	689
RR2	68	321	393
RR2	2	34	47
SF3	123	527	989
SF3	1	3	4
SF4	23	47	104
Total	420	2,595	3,169

Historic Community Map 1942-1946

Map LU-2

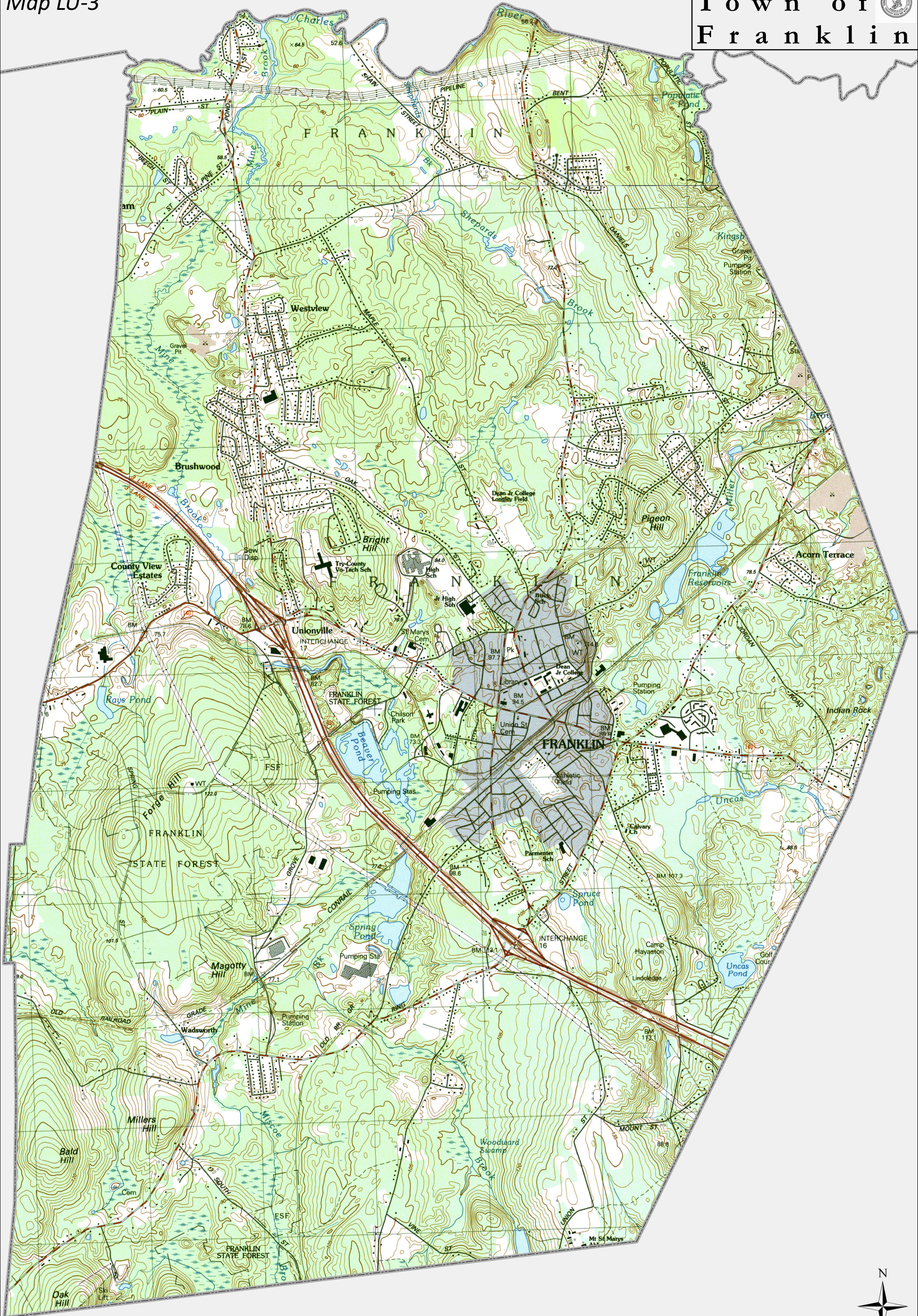
Town of Franklin



Historic Community Map 1996-1997

Map LU-3

Town of Franklin



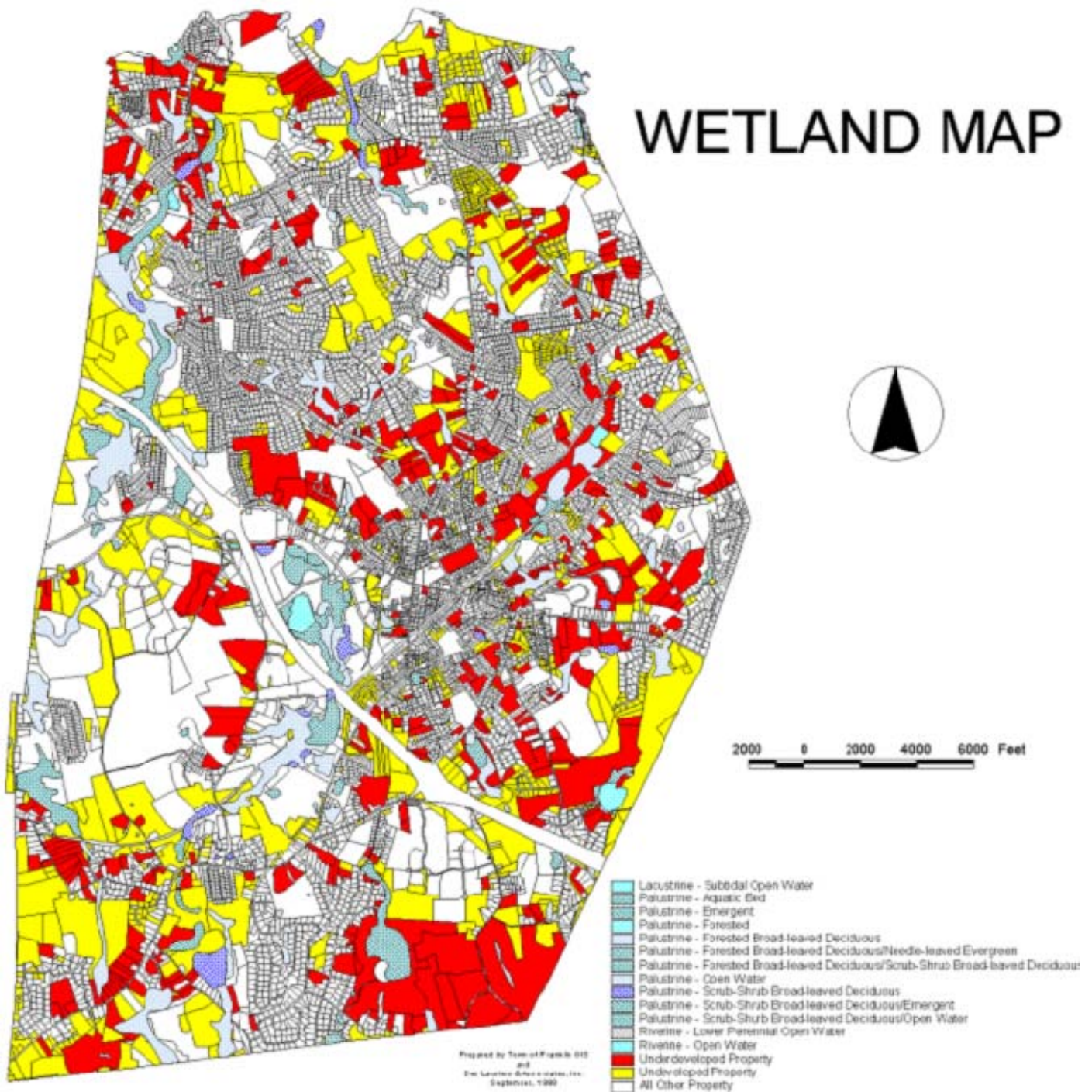


Figure LU-2: Buildout Analysis “Worst Case Scenario with Wetlands Limitations”

Goals and Objectives

Policy Statement: Adopt long-term sustainability, and start-growth principles to attain fuller, more efficient development, protecting natural resources and the New England, small town character of Franklin.

Goal 1: Encourage development of workforce housing in areas of Town where property is underutilized or needs redevelopment, and where public transit is available.

Objective 1.1: Identify areas where development of workforce housing would be appropriate.

Objective 1.2: Create a new zoning district where workforce housing would be allowed by-right.

Goal 2: Promote mixed-use development in appropriate areas.

Objective 2.1: Identify areas where mixed-use development would be appropriate.

Goal 3: Encourage expansion and retention of current businesses and attraction of new businesses in appropriate locations.

Objective 3.1: Identify areas where new businesses, business expansion and business retention would be appropriate.

Objective 3.2: Amend the dimensional requirements within the Commercial I zoning district to encourage green space, use of outdoor seating areas, and assemblage of properties to encourage new business, business expansion and business retention, in the Commercial I zoning district.

Objective 3.3: Amend the Town's Zoning Bylaw to require sufficient parking in the Commercial I zoning district.

Objective 3.4: Amend the dimensional requirements within the Neighborhood Commercial Zoning District to promote development of small, village-style businesses.

Objective 3.5: Amend the Town's Zoning Bylaw to allow parking facilities in the Downtown Commercial Zoning District.

Goal 4: Create Transitional Use Zones to buffer residential buildings from non-residential uses.

Objective 4.1: Consider rezoning of areas where redevelopment of residential properties or conversion of existing residential buildings to non-residential uses such as professional offices will create a transitional use zone buffer between more intense commercial uses and residential uses.

Goal 5: Preserve and enhance existing unprotected natural and open space resources in Franklin.
Please refer to Goal 2 and related objectives in the Open Space and Recreation section of this document.

Goal 6: Make Franklin a Green Community.

Objective 6.1: Encourage environmental awareness when adopting policies that will impact Franklin's environment.