

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

May 31, 2024

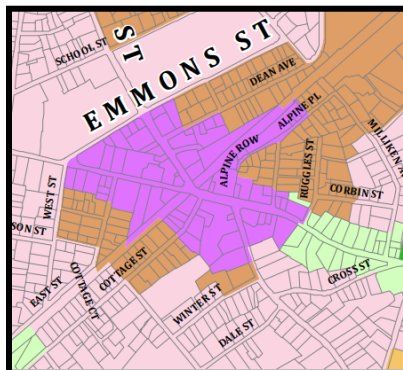
To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

Re: **Downtown Commercial Parking**

As always, Bryan Taberner has provided an in depth memorandum on the zoning bylaws the Council is considering tonight. **All three bylaws are referrals to the Planning Board.**

Some additional points for clarity:

- The original purpose of these bylaws is to comply with the MBTA Communities law that has been widely in the news re: the Attorney General lawsuits against the Town of Milton.
- To comply with the law, the Town needs to make one change: eliminate the need for commercial business to have on site parking requirements within ONLY Downtown/Commercial Zoning district. The permitting staff unanimously believe this one change is worth it to comply with the law. No additional density of housing will be required. This one change will result in compliance with the law, which is a major victory for the community and will ensure we remain very competitive for state grant funding. The current zoning requires one parking space per 500 sq feet of commercial space. Given the incredibly small parcel sizes of the downtown district, required parking is a waste of space. Furthermore, the Town just opened up two of its downtown parking lots for all day use without restrictions. The municipal lots would be perfect for downtown businesses to allow their employees and customers to use our underutilized lots. The D/C District is here:



- The EDC altered the original bylaw proposal by also eliminating the parking requirement for residential within the Downtown Commercial (DC) district. In other words, zero parking spaces will be required for any residential units constructed within the DC district. The EDC voted 3-1 in favor of this change. The current parking ration is 1.5 spaces per unit, which the staff has always believed is too high. The staff believes that 1 space per unit is reasonable. It is important to note that the residential component of this bylaw proposal is NOT required in order to comply with the MBTA communities law.
- How would zero parking in the D/C district affect the town? 19 Dean Avenue offers an excellent example. The 19 Dean Avenue parcel has been approved by the ZBA to have 16 units of housing on a four story complex with zero dedicated parking spaces. Hence, those units will be sold with no dedicated parking for those units. So if a tenant needs a car or wants one, they will be relegated to parking on the street in zones that do not have street parking regulations (or they will need to make other accomodations). Or, those who would buy those units will not have a car (which is certainly feasible). It is noteworthy that after getting approved for 16 units through the ZBA, the developer sold the parcel and project due to the unknown market for housing with no dedicated parking.
- The staff suggest, as always, to refer the bylaws form the EDC to the Planning Board of review to have them weigh in. It is within the purview of the Council to amend the bylaw proposals before referring those bylaws to the Planning Board.

As always, staff are available to answer any questions you may have.

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. TABERNEER, AICP, DIRECTOR
RE: MBTA COMMUNITIES COMPLIANCE UPDATE, & RECOMMENDED ZONING BYLAW AMENDMENTS
**CC: AMY FRIGULIETTI, DEPUTY TOWN ADMINISTRATOR; MARK CEREL, TOWN ATTORNEY;
GUS BROWN, ZONING ENFORCEMENT OFFICER; AMY LOVE, TOWN PLANNER**
DATE: APRIL 25, 2024

As requested by the Town Council's Economic Development Subcommittee, the Department of Planning & Community Development (DPCD) is submitting three Zoning Bylaw Amendments related to the Town of Franklin's Section 3A District/MBTA Communities multifamily zoning requirements, and recommendations from the "Franklin For All" project performed by the Metropolitan Area Planning Council (MAPC).

An April 4, 2024 memo that was submitted to the Economic Development Subcommittee is included as Attachment A. The memo provides details about the Town's MBTA Communities multifamily zoning requirements, an assessment of the Town's compliance, and recommended Zoning Bylaw Amendments.

To be compliant with Section 3A District/MBTA Communities multifamily zoning requirements, the Town needs to make a change to the Zoning Bylaw which would eliminate minimum parking space requirements for non-residential development in the Downtown Commercial (DC) Zoning District. The reasons are detailed in Attachment A.

At their April 10, 2024 meeting the Economic Development Subcommittee reviewed three proposed Zoning Bylaw Amendments and recommended a change to one, which will eliminate minimum parking space requirements for all uses in the DC Zoning District, both non-residential and residential development. The Town Administration and DPCD staff support this change.

The following amendments are attached for consideration:

Zoning Bylaw Amendment 24-906, Changes to §185-3. Definitions, Mixed Use Development Definition, adds a definition for Mixed Use Development.

Zoning Bylaw Amendment 24-907, Changes to §185-21 Parking, Loading and Driveway Requirements, Elimination of Minimum Parking Requirements in Downtown Commercial Zoning District, removes minimum parking space requirements for nonresidential and residential uses in the DC Zoning District.

Zoning Bylaw Amendment 24-908, §185 Attachment 7. Part VI, Addition of Mixed Use Development to Use Regulation Schedule, adds Mixed Use Development to the use regulations schedule.

If Town Council supports the attached Zoning Bylaw Amendments, I request it sends the Amendments to the Planning Board for a public hearing. Please let me know if you have questions or require additional information.

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

355 EAST CENTRAL STREET, ROOM 120
FRANKLIN, MA 02038-1352
TELEPHONE: 508-520-4907
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MEMORANDUM

TO: JAMIE HELLEN, TOWN ADMINISTRATOR
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: MBTA COMMUNITIES COMPLIANCE UPDATE, & RECOMMENDED ZONING BYLAW AMENDMENTS
CC: AMY FRIGULIETTI, DEPUTY TOWN ADMINISTRATOR; MARK CEREL, TOWN ATTORNEY;
GUS BROWN, ZONING ENFORCEMENT OFFICER; AMY LOVE, TOWN PLANNER
DATE: APRIL 4, 2024

As you know, in 2021 the Massachusetts Legislature adopted an Economic Development Bond Bill that made changes to the State's Zoning Act. The Housing Choices sections of the bill included adding a new Section 3A that requires each municipality in the MBTA district to zone for by-right multifamily housing. In general, Section 3A includes the following guidelines:

- MBTA communities will have a zoning by-law that provides for at least one (1) district of "reasonable size" in which multi-family housing is permitted as of right.
- Zoning allowing by-right multi-family housing within these so-called 3A Districts cannot have age restrictions and must be suitable for families with children.
- MBTA communities that fail to comply with Section 3A requirements are not eligible for funds from the Housing Choice Initiative, the Local Capital Projects Fund, or the Massworks infrastructure program (and other grant programs that were added more recently).
- In general, 3A Districts of reasonable size will have a minimum gross density of 15 housing units per acre, and be located within 0.5 miles of a commuter rail station.

In consultation with the MBTA and Mass DOT, the Executive Office of Housing and Livable Communities (formerly DHCD) created guidelines to determine if an MBTA community is in compliance with Section 3A. Released in August 2022 and updated twice since, the regulations are contained in "Compliance Guidelines for Multi-family Zoning Districts" (<https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>). As part of that work a "compliance model" to assess if a communities zoning meets the 3A requirements was created.

Below is a table outlining the Town of Franklin's Section 3A requirements taken from the Compliance Guidelines.

Community: Franklin Community Category: Commuter Rail

Minimum multi-family unit capacity ¹	Minimum land area of District	Percent of district to be located in station area ²
1,883 Units	50 acres	At least 75 percent

1.) Minimum multi-family unit capacity equals 15 percent of the number of housing units in Franklin at time of the 2020 U.S. Census.

2. The Station area is a half-mile circle around the MBTA commuter rail station.

To summarize the Town of Franklin's Section 3A District/MBTA Communities multifamily zoning requirements, the Town is required to amend its Zoning Bylaw to assure it has one or more zoning districts that in total would allow a minimum multi-family unit capacity of 1,883 housing units by-right, seventy-five percent of which must be located not more than 0.5 miles of the MBTA station.

MBTA Communities Compliance Assessment

This section of the memorandum provides a summary of the reasons the Town of Franklin is not in compliance with Section 3A District/MBTA Communities multifamily zoning requirements, as well as a description of related Zoning Bylaw Amendments passed by Town Council in recent years. A description of Zoning Bylaw amendment recommendations begin on the next page.

The Department of Planning & Community Development (DPCD) requested the assistance of Metropolitan Area Planning Council (MAPC) staff to assess the Town's zoning regulations as it relates to the Section 3A District/MBTA Communities requirements. MAPC used the required compliance model to evaluate the Town of Franklin's Downtown Commercial (DC), General Residential V (GRV) and Commercial I (CI) zoning districts. When the compliance regulations came out in August 2022 the Town of Franklin did not have any zoning districts that met Section 3A District/MBTA Communities multifamily zoning requirements. There are three main reasons:

- By-right multifamily housing in CI and GRV zoning districts were not allowed. A special permit from the Planning Board was required. This needed to change or CI and GRV zoning districts could not be included in the MBTA Communities multifamily district. DPCD staff believed by making this change the Town should be able to meet the minimum multi-family unit capacity of 1,883 housing units.
- The MBTA Communities compliance model uses data based on assumptions about a community's zoning, resulting in a lower minimum multi-family unit capacity than what DPCD staff believe is possible. These assumptions relate to parking requirements, open space and setback requirements, lot size nonconformance, and maximum impervious coverage requirements. The maximum impervious coverage allowed in GRV was seen as one of the biggest problems identified by the compliance model.
- The Town's DC zoning district does allow multifamily housing by-right, up to one housing unit per 2,000 square feet of lot area, which must be located on floors above the street level floor. The original Section 3A District/MBTA Communities multifamily zoning requirements did not allow communities to require housing be only in the upper floors, therefore the multifamily housing in DC could not be counted towards MBTA Communities compliance. In one of the updates to the "Compliance Guidelines for Multi-family Zoning Districts" the upper level multifamily housing could be counted as long as the zoning regulations do not require a specific number of onsite parking for nonresidential uses. Franklin's Zoning Bylaw does require onsite parking for nonresidential uses, so we still cannot count by-right multifamily housing in DC towards MBTA Communities compliance.

Since 2022 the Town Council has approved a variety of Zoning Bylaw Amendments related to housing density, affordable housing and related regulations. Two Zoning Bylaw Amendments directly relate to the MBTA requirements:

Zoning Bylaw Amendment 23-889 made changes to §185, Attachment 7, Part VI, Use Regulation Schedule: Residential Uses, Multifamily or Apartment, allowing multifamily housing in the CI and GRV zoning districts by-right, up to 1 unit per 2,250 SF of lot area.

Once Zoning Bylaw Amendment 23-889 was approved, DPCD asked MAPC to provide an update on the Town's MBTA Communities status. MAPC used the compliance model to evaluate the Town of Franklin's

GRV and CI zoning districts. According to the evaluation, the Town could only reach 1,346 of our required 1,883 Minimum multi-family unit capacity.

Zoning Bylaw Amendment 23-898R made changes to §185, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements, increasing the Maximum Impervious Coverage in GRV.

Once the Zoning Bylaw was approved by Town Council, DPCD again asked MAPC to run the compliance model to evaluate the Town of Franklins GRV and CI zoning districts. According to the evaluation from October 2023 the Town could only reach roughly 1,400 of our required 1,883 minimum multi-family unit capacity. DPCD worked with MAPC on suggested changes to data inputs for the compliance model and as of February 2024 the Town has reached 1,515 of our required 1,883 Minimum multi-family unit capacity.

More recently DPCD performed its own assessment using the Town of Franklin's process for calculating potential multifamily housing units; this assessment would give us 1,903 potential multifamily housing units (543 in CI & 1,363 GRV), which is just a few housing units more than required. Given the large difference between the State's compliance model and what DPCD believes is the accurate number, DPCD does not believe it can comply without including the DC zoning district to our total, which requires additional zoning changes.

Recommended Zoning Bylaw Amendments

DPCD recommends eliminating the requirement for onsite parking for nonresidential uses for mixed use developments in the DC zoning district. Given Franklin's Zoning Bylaw does not include regulation specific to mixed use developments, Zoning Bylaw changes should include adding a definition for Mixed Use Development, which is a task that DPCD would be working on anyway in the near future. Recommendation #3 from the Franklin For All project is Create a new definition in the zoning bylaw for "mixed-use development".

DPCD recommends the following amendments:

Zoning Bylaw Amendment 24-A, Changes to §185-3. Definitions, adds a definition for Mixed Use Development.

Zoning Bylaw Amendment 24-B, Changes to §185-21 Parking, Loading and Driveway Requirements, removes minimum parking space requirements for nonresidential uses within Mixed Use Developments in the DC Zoning District.

Zoning Bylaw Amendment 24-C, §185 Attachment 7. Part VI, Use Regulation Schedule: Residential Uses, adds Mixed Use Development to the use regulations schedule.

Attached are the three proposed zoning bylaw amendments for consideration. If the Economic Development Subcommittee supports the attached Zoning Bylaw Amendments I request it sends to the Town Council for review and consideration. Please let me know if you have questions or require additional information on any of the above issues.



SPONSOR: *Town Administration*

TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 24-906
CHANGES TO §185-3. DEFINITIONS
MIXED USE DEVELOPMENT DEFINITION
A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 3
OF THE CODE OF THE TOWN OF FRANKLIN

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended at section §185-3 Definitions by **adding** the following text:

§185-3. Definitions

Mixed Use Development - A development on a single parcel containing either more than one non-residential uses, or a combination of nonresidential and residential uses. Uses allowed within a Mixed Use Development for specific Zoning Districts are detailed in Use Regulations Schedule Parts I through VII (see Attachments 2 through 8).

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: _____, 2024

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council