

Economic Development Subcommittee Meeting Minutes

December 14, 2022

EDC Members:	Councilor Melanie Hamblen, Chair; Councilor Cobi Frongillo, Vice Chair; Councilor Patrick Sheridan; Councilor Glenn Jones
Other Members of Steering Committee:	Bruce Hunchard, Zoning Board Chair; Greg Rondeau, Planning Board Chair; Beth Wierling, Planning Board Clerk
Town Staff:	Jamie Hellen, Town Administrator (Zoom); Alecia Alleyne, Assistant to the Town Administrator; Brian Taberner, Director of Planning and Community Development

Chair Hamblen called the meeting to order at 5:47 p.m., read announcements and stated this is an EDC & Steering Committee meeting.

Agenda:

1. Presentation: Mark Bobrowski

a. Chapter 40R - Smart Growth Zoning & Housing Production

i. 40R Article

ii. 40R Powerpoint

- Chair Hamblen reminded meeting participants that when the Committee was picking their top recommendations from the MAPC's "Franklin For All" study, there was a suggestion to have someone come in to do a presentation on Chapter 40R. Chair Hamblen then introduced Mark Bobrowski, who would be presenting on this topic.
- Mark Bobrowski gave introductory remarks and a broad overview of 40R projects, then delivered his PowerPoint presentation *[attached]*.
- There was a Q&A segment following the presentation during which the following topics were discussed:
 - Councilor Frongillo asked for confirmation of his understanding that there are two ways to approach 40R; one is to wait for a developer to approach us with plans for a 40R at a specific parcel; the other is to design a 40R district and wait for developers to come forward. Mr. Bobrowski discussed these options and gave specific examples of ways other towns have successfully managed these projects. There was further discussion between Mr. Bobrowski and Councilor Frongillo of the pros and cons of the different ways to approach 40R projects. Franklin Town Attorney Mark Cerel provided comments regarding how the mandatory affordability component relates to this topic, and a brief discussion followed.
 - Planning Board Chair Greg Rondeau asked if this pertains to mixed use properties. Mr. Bobrowski responded that it can be for mixed use but does not have to be. Mr. Rondeau commented on the impact of 40R on downtown rezoning, and there was further discussion on this topic.
 - Planning Board Clerk Beth Wierling commented with her thoughts regarding the topics brought forward by Councilor Frongillo.
 - Zoning Board of Appeals Chair Bruce Hunchard made brief comments and requested confirmation regarding his thoughts on 40R, and Mr. Bobrowski responded. Discussion followed.
 - Ms. Wierling asked a question regarding funding and Mr. Bobrowski responded.
 - Chair Hamblen commented on known problems with 40R, and asked if they have been addressed. Mr. Bobrowski responded that some problems have been fixed and some haven't, some projects have remained dormant. Mr. Bobrowski provided more detail on this topic.
 - Ms. Wierling asked why a project may stay dormant and Mr. Bobrowski responded.
 - Councilor Frongillo asked a question about how this relates to eligibility for MBTA Communities requirements, and Mr. Bobrowski responded. Town Administrator Jamie Hellen also commented on this topic. Further discussion continued.
- Councilor Hamblen thanked Mr. Bobrowski for the presentation and stated that she would accept a motion to adjourn. Motion was moved and seconded unanimously. Chair Hamblen adjourned the meeting at 6:43 pm.

This is a meeting of the Franklin Town Council Sub-Committee; under the Open Meeting Law, this subcommittee is a separate "public body" from the Town Council. Therefore, unless the Town Council has separately notified and posted its own meeting, Councilors who are not members of this subcommittee will not be permitted to speak or otherwise actively participate @ this meeting, although they may attend and observe. This prohibition is necessary to avoid the potential for an Open Meeting Law Violation

Ch. 40R

**Smart Growth Zoning &
Housing Production**

**NORTH
ATTLEBOROUGH**

**Blatman, Bobrowski, Haverty
& Silverstein, LLC**

What is Ch. 40R?

- ◇ Housing production within the Commonwealth has not kept pace with the growing number of households looking for an affordable place to live
- ◇ To help meet this demand, the Commonwealth adopted Ch. 40R to allow municipalities to encourage housing production that is aligned with the principles of “smart growth”
- ◇ Communities doing so may obtain funds through housing incentive payments



Location, Location, Location. . .

- ◇ A Chapter 40R Smart Growth Overlay District shall be located in an “eligible location”



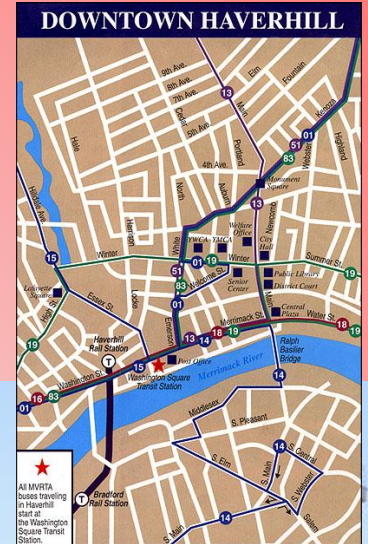
- ◇ Eligible locations include:
 - areas within 1/2 mile of any rapid transit/rail station or bus/ferry terminal
 - areas of concentrated development, such as existing city/town centers, commercial districts or rural village districts qualifying as highly suitable locations, such as those identified as appropriate for high-density and/or mixed-use housing

Example: Location Near Transit

Downtown Area, Haverhill, Massachusetts



HAVERHILL
IS THE PICTURE OF PROGRE



Example: Area of Concentrated Development

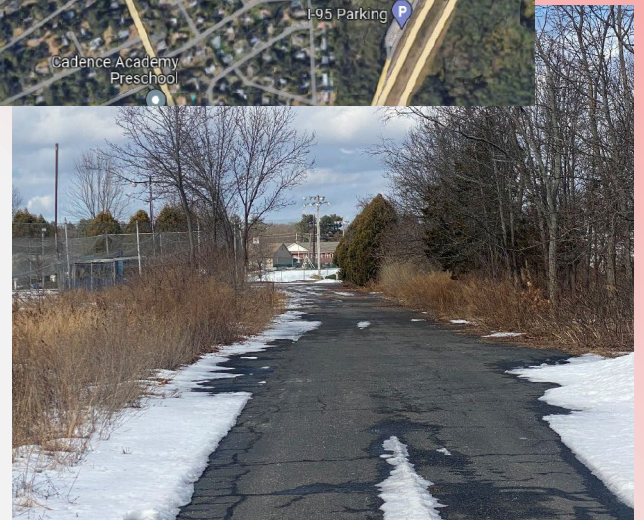
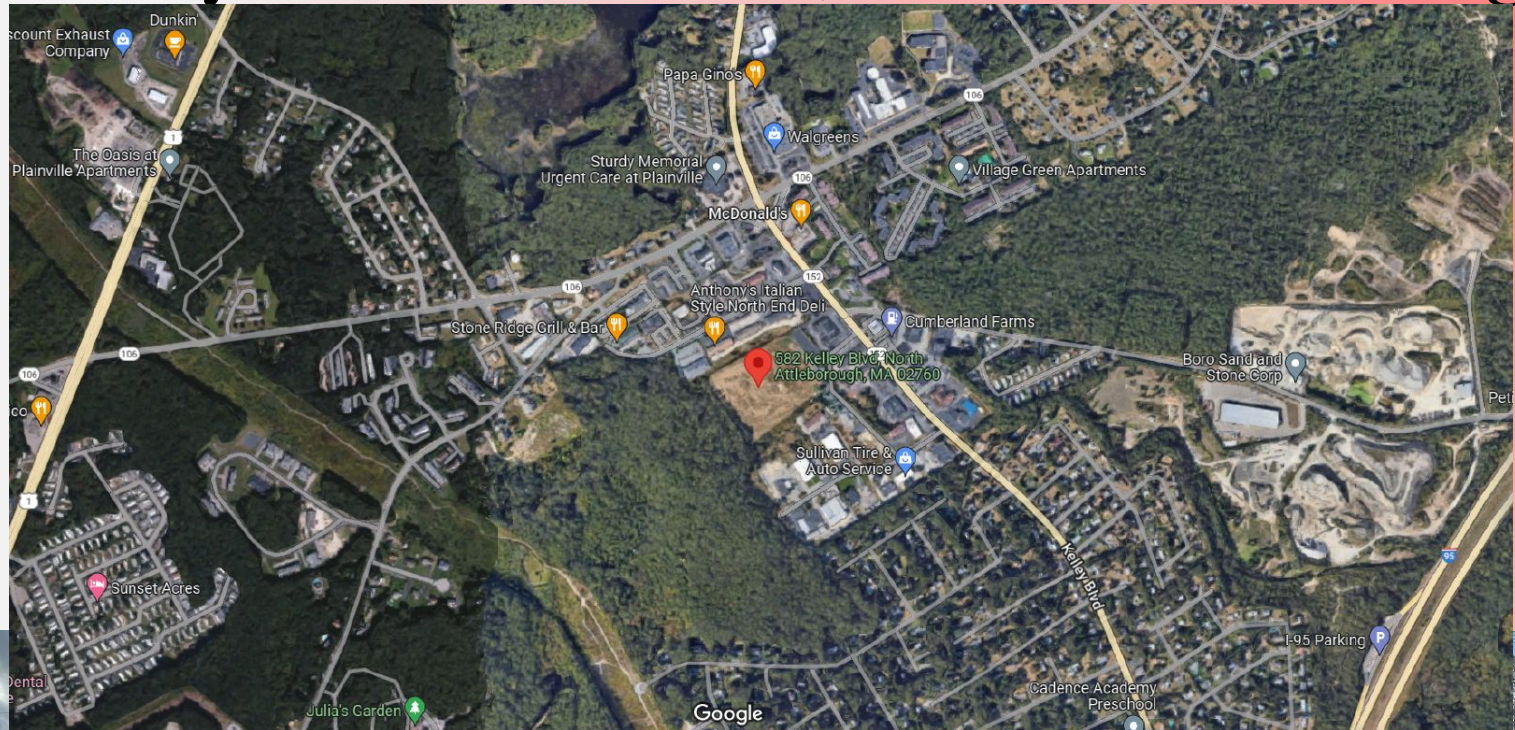
Village at Lincoln Park, Dartmouth, Massachusetts



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Example: Highly Suitable Location

582 Kelley Boulevard Rear, North Attleborough



Example: Highly Suitable Location

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Kelley Boulevard Smart Growth Overlay District

- A contiguous 13.679-acre parcel
- Currently improved with a driving range, batting cages, miniature golf and associated parking areas
- Located in North Attleborough Special Industrial Zoning District and the Aquifer Protection Zoning District
- Access to public sewer and water.

Site Location

NORTH ATTLEBORO



Site Location

NORTH ATTLEBORO



Density

- ◊ Within a Smart Growth Overlay District, the minimum allowable as-of-right density shall be as follows:
 - eight (8) units per acre for developable land zoned for single-family residential use
 - twelve (12) units per acre for developable land zoned for two- and/or three-family residential use
 - twenty (20) units per acre for developable land zoned for multi-family residential use



Examples: Density



8 Units Per Acre



12 Units Per Acre



20 Units Per Acre



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North Attleborough Density

- Kelley Boulevard Smart Growth Zoning District contains 13.679 Acres, all “developable”
- 311 dwelling units are proposed for the Kelley Boulevard Smart Growth Zoning District
- Accordingly, Proposed Density = **22.74**
Units/Acre

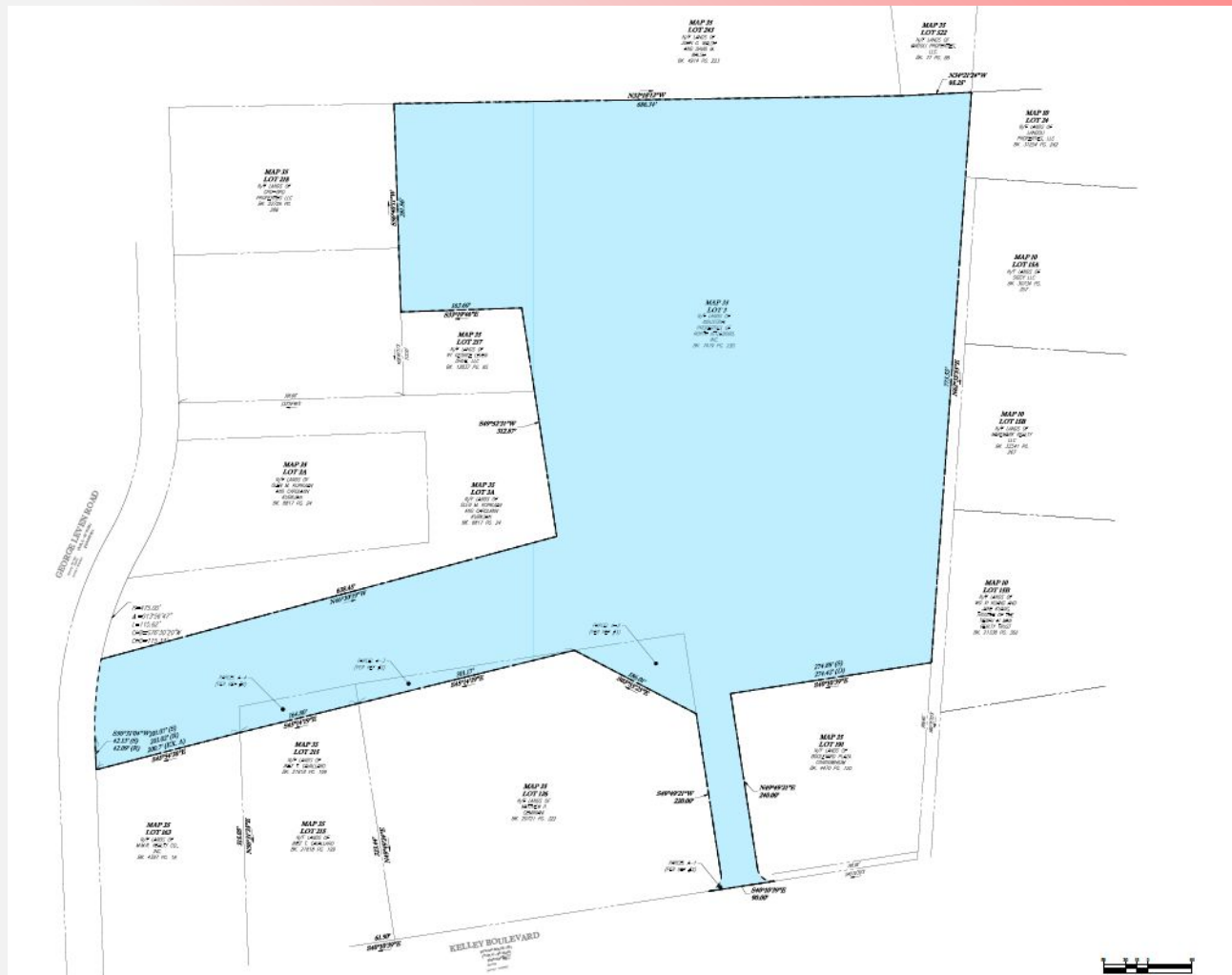
Mapping the District

- ◇ A Ch. 40R Application submitted to the Department of Housing and Community Dev't shall include a zoning map of the proposed district, a developable land plan and a residential density plan



- ◇ The size/shape of the district and subdistricts depends on the desired density, the area of development and any areas not intended for development
- ◇ All land shall be categorized as developable (including under-utilized land), substantially-developed or non-developable (including open space, rights-of-way, public streets and ways, land used for governmental functions and environmentally-constrained land)

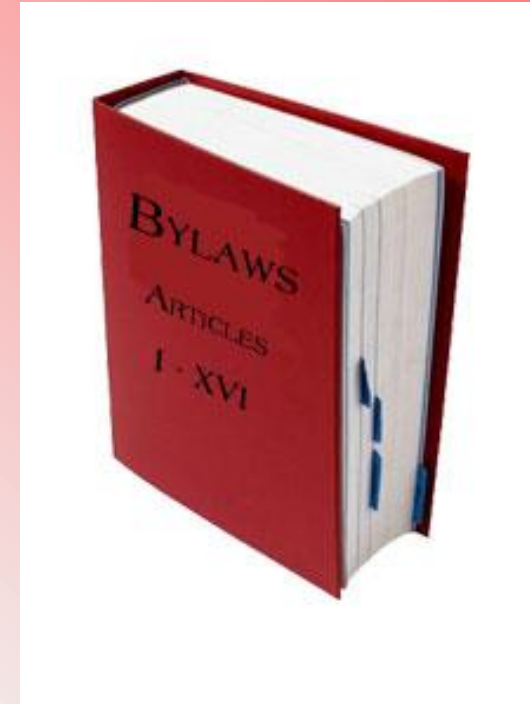
Proposed Zoning Map NORTH ATTLEBORO



Drafting the Zoning Bylaw/Ordinance

- Ch. 40R Zoning Bylaw creates the Smart Growth Overlay District and shall include a map of the district, and:

- provisions for the types of uses allowed by right
- affordability requirements
- dimensional, density and parking requirements
- a description of the plan approval process, identifying the plan approval authority



- design standards/guidelines
- waiver and plan amendment authority and procedures

Affordability

◊ Ch. 40R requires that not less than 20% of the housing units in projects of more than twelve (12) units be “affordable”



◊ For all housing units in a rental project to count on the Subsidized Housing Inventory, at least 25% of ~~said units must be “affordable”~~ “Affordable” housing units are those affordable to and occupied by households earning less than 80% of the area-wide median income, as per the U.S. Dept. of Housing and Urban Dev’t and “countable” on DHCD’s Subsidized Housing Inventory.

Approval Process

◇ Step 1: The chief elected official of the municipality holds a public hearing on the creation of a Smart Growth Overlay District

◇ Step 2: Said chief elected official submits a Ch. 40R Application Form with supporting materials to the Department of Housing and Community Dev't (DHCD)

- if incomplete, notification is provided within 30 days
- a preliminary determination of eligibility is provided, if appropriate, within 90 days

◇ Step 3: Upon issuance of a preliminary determination of eligibility, the municipality adopts the 40R District as it would any other zoning proposal



Approval Process, Cont'd.



- ◇ Step 4: Following adoption of the 40R District, the municipality provides proof thereof to the Department of Housing and Community Dev't

- confirmation of final approval is provided, if appropriate, within 30 days

- ◇ Caveat: Any amendment/repeal of the 40R District, its boundaries or the design standards in the bylaw/ordinance require review and approval of the Department of Housing and Community Dev't

Payments

- ◊ Within ten (10) days of approval by the Department of Housing and Community Dev't of a Smart Growth Overlay District, the Commonwealth shall pay to the municipality a “Zoning Incentive Payment”
- ◊ Said payment shall be made as per the following schedule, with “Incentive Units” being those allowed as-of-right in the 40R District minus those allowed as-of-right by the underlying zoning:

Zoning Incentive Payments

<u>Incentive Units</u>	<u>Payment</u>
Up to 20	\$10,000
21 to 100	\$75,000
101 to 200	\$200,000
<u>201 to 500</u>	<u>\$350,000</u>
501 or more	\$600,000

Payments, Continued



- ◊ Additionally, a municipality is entitled to a one-time “Density Bonus Payment” of \$3,000 for each “Bonus Unit” constructed within the Smart Growth Overlay District
- ◊ “Bonus Units” are those developed in a project in excess of the number allowed as-of-right in the project by the underlying zoning
- ◊ Said payment is made on a unit-by-unit basis, within ten (10) days of submission of proof that a building permit has issued

North Attleborough Payments Under Proposed 40R Zoning

- **Zoning Incentive Payment**

311 Units = \$350,000

- **Density Bonus Payment**

–\$3,000 Payment for every developed in a project in excess of the number allowed as-of-right in the project by the underlying zoning

–Underlying Zoning does not permit any units as-of-right

311 Units = \$933,000 Bonus Payment

TOTAL = \$1,283,000

Resources

- ◇ More information on Ch. 40R is available at:
 - G.L. c. 40R
 - 760 CMR 59.00
 - www.mass.gov > Housing and Community Dev't > Sustainable Community Planning Initiatives
 - Department of Housing and Community Dev't, (617) 573-1100



The End



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