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MEMORANDUM

DATE: July 21, 2023

TO: Councilor Deborah Crossley, Chair, Zoning and Planning Committee
Members of the Zoning and Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director Department of Planning and Development
Zachery LeMel, Chief of Long Range Planning
Joe Iadonisi, Planning Associate

SUBJECT: **Petition #205-23** for a change of zone to MIXED USE 1 for land located at 126-132 Charles St. Street. 126 Charles St. (Section 41 Block 06 Lot 26) is currently zoned Manufacturing (MAN), 132 Charles St. (Section 41 Block 06 Lot 14) is currently zoned MAN for what was formerly Section 41 Block 06 Lot 11, Multi-Residence 2 (MR2) for what was formerly Section 41 Block 06 Lot 12, and Multi-Residence 1 (MR1) for what was formerly Section 41 Block 06 Lot 14.

MEETING: July 24, 2023

CC: City Council
Planning and Development Board

INTRODUCTION

The purpose of this memorandum is to provide the Zoning and Planning Committee and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Zoning and Planning Committee.

EXECUTIVE SUMMARY

The subject properties, 126 and 132 Charles Street, are located at the southern end of Charles St., approximately a quarter of a mile east of where the Massachusetts Turnpike crosses over the Charles River just east of the intersection of Routes 90 and 95. The property is located immediately across the road from Massachusetts Department of Conservation and Recreation land belonging to the Charles River Reservation that includes a boat launch, storage, and a residential building.

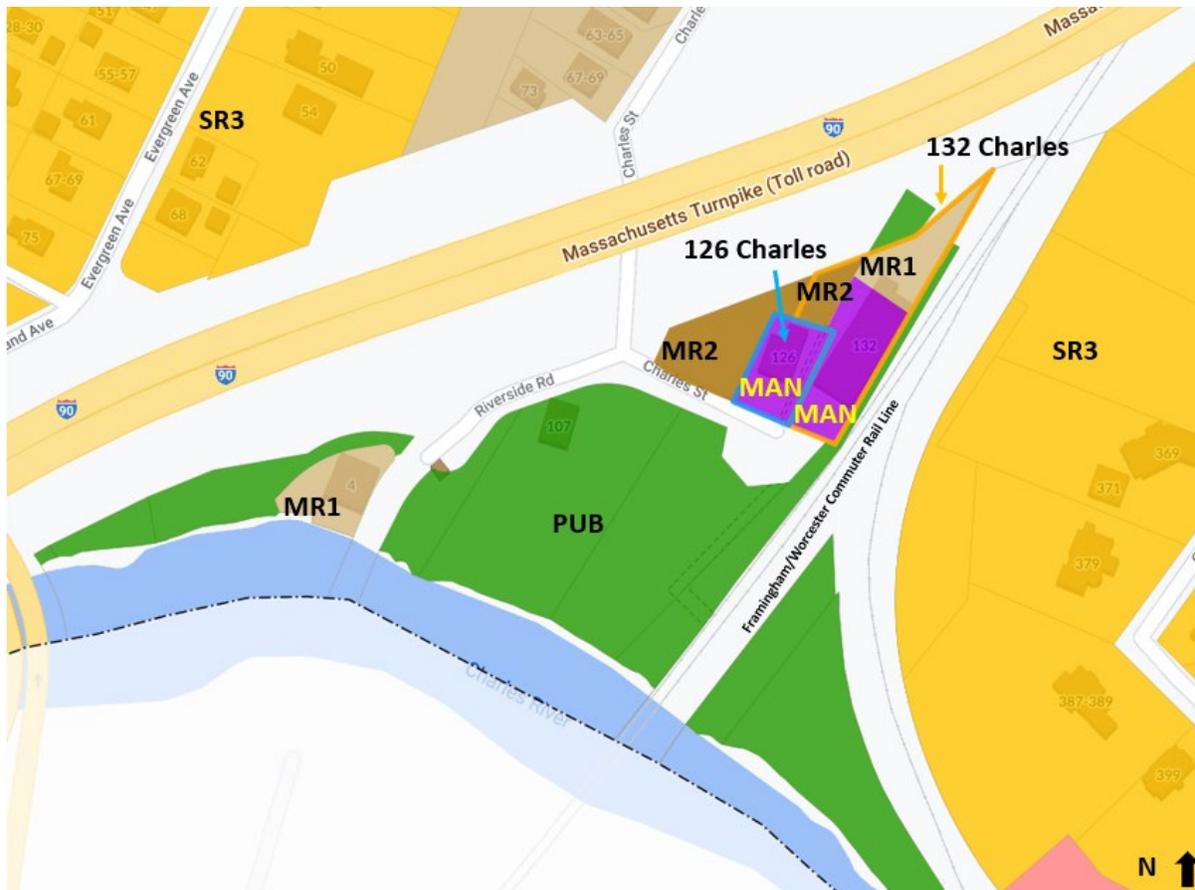
The property is bounded by the Massachusetts Turnpike to the north, railroad tracks for the MBTA Framingham/Worcester Line to the east and southeast, a vacant lot to the west, zoned MR2, and Charles St. to the southwest.

The subject property is improved with two buildings. The building at 126 Charles St. is a two story, building that presents as a single family home and has previously operated as a daycare, but is now vacant. This building was purchased by the Petitioners, WZ DNA Lab LLC, on September 21, 2022. The building at 132 Charles St. previously was owned by an electronic parts distributor Newtron, until its purchase by WZ DNA Lab LLC on December 12, 2021 and is now used as a laboratory and office space.

This application is to rezone 126 Charlest St. and 132 Charles St. from Multi Residence 1 (MR1), Multi Residence 2 (MR2), and Manufacturing (MAN) to Mixed Use 1 (MU1). Per the Petitioners, the main purpose of this rezoning request is to apply a uniform zoning district to the parcels, given the parcels currently are within three zoning districts, with the building at 132 Charles Street split between two zoning districts, MR1 and MAN. The Petitioners plan to continue to utilize the property under its current use, "laboratory, research and development," which is permitted in the MAN zoning district and proposed MU1 district. The Petitioners currently have an approved building permit, BP-22-6575, issued on January 4, 2023 that will allow the Petitioners to renovate the building but would not allow the expanded lab use within the portion of the building within the MR1 zone. The residential building at 126 Charles St. obtained a building permit for a roof replacement in August 2021, BP-21-2123, prior to the sale, but no further permit requests that would affect its use or this rezoning request.

I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

The 126-132 Charles St. property is isolated by railroad, the Charles River, and the Massachusetts Turnpike. The nearest residence, 369 Central St. zoned SR3, is located approximately 625 feet southeast of the 132 Charles St. building and separated by the railroad and significant vegetation. The Department of Conservation and Recreation building at 107 Charles St. is approximately 225 feet from the building at 126 Charles St. and appears to serve administrative purposes for the Charles River Reservation. The parcel immediately bordering 126-132 Charles St. to the west, is currently vacant and zoned MR2. The below image reflects current zoning of the requested parcels and surrounding area.



The above image depicts current zoning of 126-132 Charles St. and surrounding parcels with 126 Charles St. outlined in blue and 132 Charles St. outlined in yellow.

II. REZONING REQUEST (Petition # 205-23)

The petitioner has requested that the parcels be rezoned from its current designations of MR1, MR2, and MAN to a uniform zoning of MU1. Given there are currently three zones on two parcels, including two separate zones for the building located at 132 Charles St.. This means that the owners of 132 Charles St. cannot legally perform their building use of laboratory, research and development, throughout the entire building. Rezoning would create consistency amongst the adjacent parcels and eliminate extraneous city reviews and delays due to the multiple zones.

Mixed Use 1 vs. Current Zoning Comparison

Zoning Dimensional Requirements:

	Current Zoning			Proposed Zoning
	MR1 (new lot)	MR2 (new lot)	MAN	MU1
Min. lot size	10,000 sqft	10,000 sqft	10,000 sqft	40,000 sqft
Height	36' sloped 30' flat	36' sloped 30' flat	2 stories/ 24' by right 3 stories/ 36' by special permit	3 stories/ 36' by-right 4 stories/ 48' by special permit
Floor Area Ratio	0.38-0.58 (see Ch.30 sec. 3.2.11)	0.38-0.58 (see Ch.30 sec. 3.2.11)	1.00 for 2 stories or less, 1.50 for 3 stories	1.50 for 3 stories or less, 2.00 for 4 stories
Front Setback	30'	25'	Greater of 15' or 1/2 building height or average	1 Story: 15' 2 or more stories: Equal to Building Height
Side Setback	10'	10'	Abutting res/pub.: greater of ½ bldg. height or 20' Other: 1/2 building height	Abutting res/pub: greater of ½ bldg. height or 20' Other: 7.5'
Rear Setback	15'	15'	Abutting res/pub.: greater of ½ bldg. height or 20' Other: 1/2 building height	Abutting res/pub: greater of ½ bldg. height or 20' Other: 7.5'

While the above table demonstrates that the zoning dimensional requirements of the Mixed Use 1 zone are designed to accommodate buildings with a large footprint on a large parcel, there are limited options for developing or expanding beyond the current use. Options for expanding the current buildings or building new, larger, structures are limited by the zoning dimensional standards and site plan review for additions beyond 2,000 square feet and a special permit for any development beyond 20,000 square feet. There are no listed standards for lot coverage and open space within the MU1 zone. Setback requirements set forth for the MU1 zone would limit expansion westward as well as expansion eastward given the building at 132 Charles St. currently sits on the eastern lot line and the site is predominantly surrounding by residential and public zoning districts which require greater setbacks. Given 132 Charles St., currently has a building area of 19,361 square feet, any larger potential structures or additions proposed would require site plan review. Any dimensional nonconformities would be allowed to be extended via special permit.

Additionally, Appendix A shows the difference in the allowed uses between the three current zones for 126 and 132 Charles St. and the proposed MU1 zone. Rezoning to MU1 would expand allowed residential and commercial uses, while further limiting restricted and industrial uses compared to MAN.

III. REZONING RECOMMENDATION

The current patchwork of zoning districts on the subject lots is likely a byproduct of the construction of the Massachusetts Turnpike. As a result, current zoning in this area is not purposeful and limits the ability of

the owners to seek permits and determine allowed uses. A uniform designation of MU1 for the parcels at 126 and 132 Charles St. would reduce existing ambiguity in terms of allowed uses and permitting with negligible effect on abutting properties given the isolation of the property and significant limitations for more expansive development. The Department of Planning and Development recommends rezoning from MR1, MR2, and MAN to MU1 in order to simplify the City's zoning.

APPENDIX A

Use	MR1	MR2	MAN	MU1
Residential Uses				
Single-Family, detached	P	P		
Two-Family, detached	P	P		
Single-Family, attached	SP	SP		
Multi-family dwelling		SP		
Residential use, above ground floor				SP
Residential use, ground floor				SP
Live/work space				P
Lodging House, above ground floor				SP
Lodging House	SP	SP		
Associations of persons in a common dwelling	SP	SP		
Congregate living facility	SP	SP		
Dormitory (5-20 persons)	SP	SP		
Dormitory (20+ persons)	L	L		
Cluster development for open space preservation	SP	SP		
Residential care facility	SP	SP		

Use	MR1	MR2	MAN	MU1
Civic/Institutional Uses				
Cemetery, private	SP	SP	SP	SP
Club, clubhouse	SP	SP		
Community use space			P	P
Family child care home, large family child care home, day care center	L	L	L	L
Heliport				SP
Hospital	SP	SP		
Library, museum or similar institution	SP	SP		
Nonprofit Institution	SP	SP		
Public use	L	L	L	L
Rail/bus station			P	P
Religious institution	L	L	L	L
Sanitarium, convalescent or rest home, other like institution	SP	SP		
School or other educational purposes, non-profit	L	L		
School or other educational purposes, for-profit	SP	SP		
Scientific research and development activities, accessory	SP	SP		

Use	MR1	MR2	MAN	MU1
<u>Commercial Uses</u>				
Animal service, excluding overnight boarding				SP
ATM, standalone			SP	SP
Bank, up to 5,000 square feet				SP
Bank, over 5,000 square feet				SP
Bed & Breakfast	SP	SP		
Business incubator				P
Business services				SP
Car-sharing service, car rental, bike rental, electric car-charging station			P	P
Car wash			SP	
Dry cleaning or laundry, retail				SP
Fuel establishment			SP	SP
Funeral home		SP		
Health club, above or below ground floor			P	P
Health club, ground floor			P	SP
Job printing, up to 3,000 square feet (area used for work and storage)			P	
Job printing, over 3,000 square feet (area used for work and storage)			P	
Kennel			P	
Microfulfillment Center			L	L
Office			P	P
Parking facility, accessory, single level			P	P
Parking facility, non-accessory, single level			SP	SP
Parking facility, accessory, multi-level			SP	SP
Parking facility, non-accessory, multi-level			SP	SP
Radio or television broadcasting studio			L	
Radio, or television transmission station	SP	SP	SP	SP
Restaurant				SP
Retail sales, over 5,000 square feet				SP
Service establishment, up to 5,000 sq. feet				SP
Service establishment, over 5,000 sq. feet				SP
Vehicle repair shop, minor			SP	SP
Vehicle repair shop, major			SP	SP
Vehicles sales and service facility, indoor			SP	SP
Vehicles sales and service facility, outdoor			SP	SP
Veterinary hospital			P	SP

Use	MR1	MR2	MAN	MU1
Industrial Uses				
Assembly or fabrication of materials manufactured off premise			P	P
Bakery, wholesale			SP	
Boat building, storage and repair			L	
Bottling works (except for alcoholic beverages)			P	
Building materials sales yard and storage building			SP	
Contractor's yard			P	
Feed and seed store			SP	
Food processing, wholesale			P	
Laboratory, research and development			P	P
Laundry, cleaning & dyeing establishment			P	
Manufacturing			P	
Manufacturing, molding, shaping or assembly from prepared materials (including repairs)			P	
Paint store			SP	
Printing, publishing and reproduction establishment			P	
Sign painting shop			P	
Telecommunications and data storage facility			SP	SP
Vehicle storage			SP	
Wholesale business or storage facility				SP
Wireless communication equipment	P/L/SP	P/L/SP	P/L/SP	P/L/SP
Manufacturing, uses not allowed by right			SP	

Use	MR1	MR2	MAN	MU1
Open Space Uses				
Agriculture, on a parcel of 5 or more acres	P	P	P	P
Agriculture, on a parcel under 5 acres	SP	SP	SP	SP
Resource extraction	SP	SP	SP	SP
Riding school, stock farm	SP	SP		

Use	MR1	MR2	MAN	MU1
Restricted Uses				
Keno				SP
Medical Marijuana Treatment Center				SP
Craft Marijuana Cooperative			SP	
Independent Testing Laboratory			SP	
Marijuana Courier			L	
Marijuana Cultivator			SP	
Marijuana Delivery Operator			L	
Marijuana Product Manufacturing			SP	
Marijuana Research Facility			SP	
Marijuana Retailer				SP
Marijuana Transporter			SP	
Microbusiness			SP	
Firearm Business			SP	
Firing Range			SP	
Gunsmith			SP	