



July 5, 2021

Town of Franklin, Planning Board  
*Attn: Mr. Anthony Padula, Chair*  
*C/O Mrs. Amy. Love, Planner*  
355 East Central Street  
Franklin, MA 02038

Re: Factory Square  
3, 5 & 7 Fisher Street  
*LDG Proj. No.: 1899.00*

Mr. Padula and Members of the Board:

Level Design Group, LLC (LDG) on behalf of Rick Kaplan does hereby submit the application and certificate of ownership for the redevelopment of the above referenced parcel. The application includes the removal of the accessory buildings on property and replacement with on multi-story multi use structure with drive under garage space and surface parking for the property.

The redevelopment will include the removal of pavement, regrading and addition on of-site drainage system compliant with Town and DEP requirements for the use and development. LDG looks forward to presenting to the Board at the next hearing.

This application is being filed in accordance with the Franklin Zoning Bylaw **§185-31 Site Plan and Design Review** for construction of commercial with Multi-Family Housing.

#### **PRE-DEVELOPMENT CONDITIONS**

The existing site is located at 3, 5 & 7Fisher Street in Franklin, MA. The majority of the site is developed with old factory and mixed use buildings. A small area of the site to the south east is undeveloped but is landscaped with grass and existing mature trees. The Site is bounded by West Central Street to the north. Fisher Street to the east, Hayward Street to the south and an existing BVW to the west. The adjacent properties to the roadways are residential with exception toward the southwest are more commercial facilities. The development site is approximately 14.7 ± Acres with approximately 85% of the existing property being developed with various sized and use buildings, pavement and utilities. Existing ground cover of the site includes the asphalt pavement and building footprint. The existing site does contain a formal stormwater management system which ultimately drains to the Bordering Vegetated Wetlands to the West.

The majority of the site is defined as redevelopment. The existing stormwater system serves the existing building and pavement and will be utilized to the maximum extent feasible for the redevelopment project. Approximately 10,000 s.f. of pavement and roof area will be removed and replaced with green space. This reduction in impervious area will cause runoff to be reduced for the redevelopment portion of the site. Due to the complexity of the existing utility systems the applicant is proposing to re-use the current configuration where feasible. Modified piping and drainage where necessary in the redevelopment area is shown on the site plans. The redevelopment



area has not been modeled for pre- and post- runoff due to the reduction of impervious area and the implied reduction of runoff to the same drainage point (the westerly BVW system).

The on-site soils as classified by the Soil Survey for Norfolk County Massachusetts, the redevelopment portion of the site area is classified as Urban Land. The new construction area of new parking is located in an area of Udorthents sandy, Hydrologic Soil Group A which are soils having a high infiltration rate (low runoff potential) when thoroughly wet. These soils consist mainly of deep, well drained to excessively drained sands or gravelly sands. Based on test pits done by Level Design Group, LLC parent material of the area for new construction is a Medium Gravelly Sand with a classification of HSG A. Please see the SCS soils documentation attached herein.

Based on current MAGIS Mapping the site is NOT located in any of the following environmentally sensitive areas:

- Areas of Critical Environmental Concern
- Natural Heritage and Endangered Species Program – Priority Habitats of Rare Species
- Natural Heritage and Endangered Species Program – Estimated Habitats of Rare Wildlife
- Natural Heritage and Endangered Species Program – Natural Communities
- Natural Heritage and Endangered Species Program – Certified Vernal Pools
- MADEP Wellhead Protection Areas – Zone 1 & Zone 2
- Surface Water Supply Protection Areas – Zone A, Zone B, & Zone C
- MADEP Surface Water Supply Watersheds
- MA DFW Coldwater Fisheries Resource Area.

## **POST-DEVELOPMENT CONDITIONS**

The Applicant is proposing to redevelop the site and renovate and rehab the existing buildings for a mixed-use development. A portion of the existing buildings will be demolished and replaced with parking, patios and green space. The existing catch basins and drainage in those area will be re-used to capture the runoff from the reconfigured impervious areas. Impervious areas will be reduced for the redevelopment areas and due to the complexity of the site the existing drainage will stay in place to the maximum extent feasible and no additional calculations will be provided for the existing system. During construction, if it is determined that a portion of the existing system is failing or inadequate, the engineer shall be consulted and a replacement or redesign of those components will be considered.

A new fully compliant stormwater management system has been designed to support the area of new construction in the southeast corner of the property. The newly designed parking lot will collect the runoff, treat it, and infiltrated the runoff into a subsurface infiltration system. Deep sump catch basins will capture the runoff, then it will be routed through proprietary treatment structures, then infiltrated after pretreatment has been achieved. Runoff from the impervious areas and building rooftops will be directed to two infiltrating BMPs.



The total proposed site impervious coverage is reduced in the post development due to the demolition of buildings as detailed on the plans. With the proposed development as proposed there is a net increase in TSS removal with the installation of stormwater treatment prior to discharge.

## CONCLUSION

The development as proposed meets or exceeds the requirements of the Zoning district and associated site plan regulations for this development.

Enclosed please find:

- 2 Full Size sets of plans
- 5 reduced (11x17) size sets of plans
- 7 copies of associated documentation
- \$6,300 filing fee
- \$50 fee for the Fire department

I look forward to meeting with the Board at the next meeting. If there are any questions prior to the hearing please do not hesitate to ask.

Truly yours,

**LEVEL DESIGN GROUP, LLC**

A handwritten signature in blue ink, appearing to read "Daniel Campbell", is written over the company name.

Daniel Campbell, P.E.  
Principal

## Attachments

Cc: Walker Development and Construction  
jTa  
File

**FORM P**

**APPLICATION FOR APPROVAL OF A SITE PLAN**

To the Franklin Planning Board:

The undersigned, herewith, submits the accompanying Site Plan entitled “ Factory Square ” for approval under the provisions of the Zoning By-Laws of the Town of Franklin covering Site Plans.

1. Name of Applicant: Rick Kaplan  
Address of Applicant: 1 Fisher Street, Franklin, MA 02038  
Phone No.: 508.561.0445 Email: rick@kres.com

2. Name of Owner (if not the Applicant): K Fisher Street LLC  
Address of Owner: 69 Milk Street, Suite 107, Westborough, MA 01581  
Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

3. Name of Engineer: Level Design Group, LLC, Daniel Campbell, P.E.  
Address of Engineer: 249 South Street, Unit 1, Plainville, MA 02762  
Phone No.: 508.695.2221 Email: dcampbell@leveldg.com

4. Deed of Property recorded with Norfolk Registry of Deeds in Book 37538 , Page 366 , (or Certificate of Title No. \_\_\_\_\_)

5. Location and Description of Property:  
1, 3 & 5 Fisher Street former factory development

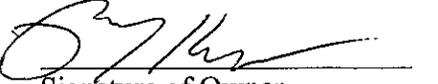
Square Footage of Building(s) Existing 165,000+/- Proposed 133,000+/-  
Assessor’s Map 278 Lot 16

6. Purpose of Site Plan:  
Conversion of existing buildings into adaptive reuse for commercial

7. List of Waivers Requested (if any): Attach Form R for each waiver

  
\_\_\_\_\_  
Signature of Applicant

Frederick (Rick) Kaplan  
Print Name of Applicant

  
\_\_\_\_\_  
Signature of Owner

Frederick (Rick) Kaplan  
Print Name of Owner

CERTIFICATE OF OWNERSHIP

I the undersigned Applicant, do hereby certify to the Town of Franklin, through its Planning Board, that all parties of interest to the below-listed plan are identified in Section B: below,

SECTION A:

Title of Plan: Factory Square

Date of Plan: June 30, 2021 Assessor's Information: 278-016-000-000

Prepared by: Level Design Group, LLC

Type of Plan: 81-P; Prelim.; Def.; Site Plan

SECTION B:

Name of Record Owner(s): K Fisher Street, LLC

Address of Record Owner(s): 69 Milk Street, Suite 107

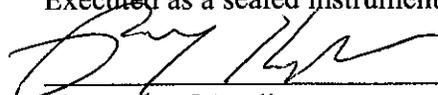
Westborough, MA 01581

\*If in the name of a Trust, Corporation or Partnership, list the names and addresses of all Trustee(s), Corporate Officer(s) or Partner(s):  
N/A

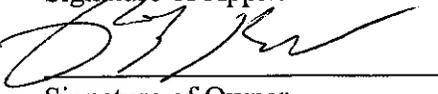
\*If in the name of a Trust or Corporation, list the Beneficiary(ies) of the Trust or the Shareholder(s) of the Corporation: N/A

\*If in the name of a Trust or Corporation, list the date, county, book and page of recording of the Trust Instrument, or the date and State of incorporation: \_\_\_\_\_  
N/A

Executed as a sealed instrument this 29 day of June 2021

  
\_\_\_\_\_  
Signature of Applicant

Frederic Kaplan  
\_\_\_\_\_  
Print name of Applicant

  
\_\_\_\_\_  
Signature of Owner

Frederic Kaplan  
\_\_\_\_\_  
Print name of Owner

Karp. SS.

2021

On this 29 day of June 2021, before me, the undersigned notary public, personally appeared Frederick L. Kaplan (name of Applicant), proved to me through satisfactory evidence of identification, which were MA. LIC to be the person whose name is signed on the preceding document in my presence.

Nancy Ranelli

(Official signature and seal of Notary)

Notary Public:

My Commission Expires: 12/30/2022



K FISHER STREET LLC  
1 FISHER STREET  
FRANKLIN, MA 02038

1008

53-7173/2113  
23273

6/28/21

Date

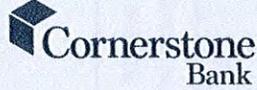


Pay to the  
Order of

Town of Franklin

\$ 6,300.00

Six Thousand Three Hundred + 00/1000 Dollars



For

*[Signature]*

MP

⑆ 211371735⑆ 476 241243 8⑈01008

Harland Clarke

INTOUCH® CUSTOM CREATIONS®



K FISHER STREET LLC  
1 FISHER STREET  
FRANKLIN, MA 02038

1007

53-7173/2113  
23273

6/28/21

Date



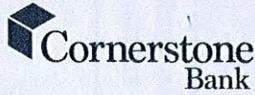
Pay to the  
Order of

Town of Franklin

\$ 50.00

Fifty + 00/1000

Dollars



For

*[Signature]*

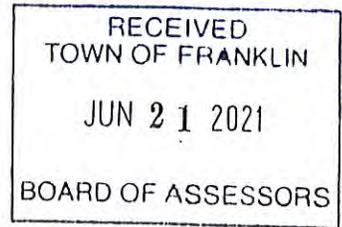
MP

⑆ 211371735⑆ 476 241243 8⑈01007

Harland Clarke

INTOUCH® CUSTOM CREATIONS®

**Town of Franklin – Board of Assessors**  
355 East Central St  
Franklin, MA 02038  
Tel # 508-520-4920  
Fax # 508-520-4923



## Abutters List Request Form

**Please Note:** A \$25.00 fee per list is required to process your request. Payment is due at the time of submission of this form. Please allow 10 days from the date of both payment and submission of the form for the Assessors office to complete processing your request. (Revised 1-1-17)

Date of Request 06 / 21 / 2021

Assessors Parcel ID # (12 digits) 278-016-000-000 ✓

Property Street Address 1 / 3 / 5 Fisher Street

Distance Required From Parcel # listed above (Circle One) 500 **(300)** 100  
(Note: if a distance is not circled, we cannot process your request)

Property Owner K Fisher, LLC

Property Owner's Mailing Address 69 Milk Street, Suite 107

Town/City Westborough State MA Zip Code 01581

Property Owner's Telephone # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Requestor's Name (if different from Owner) Daniel Campbell

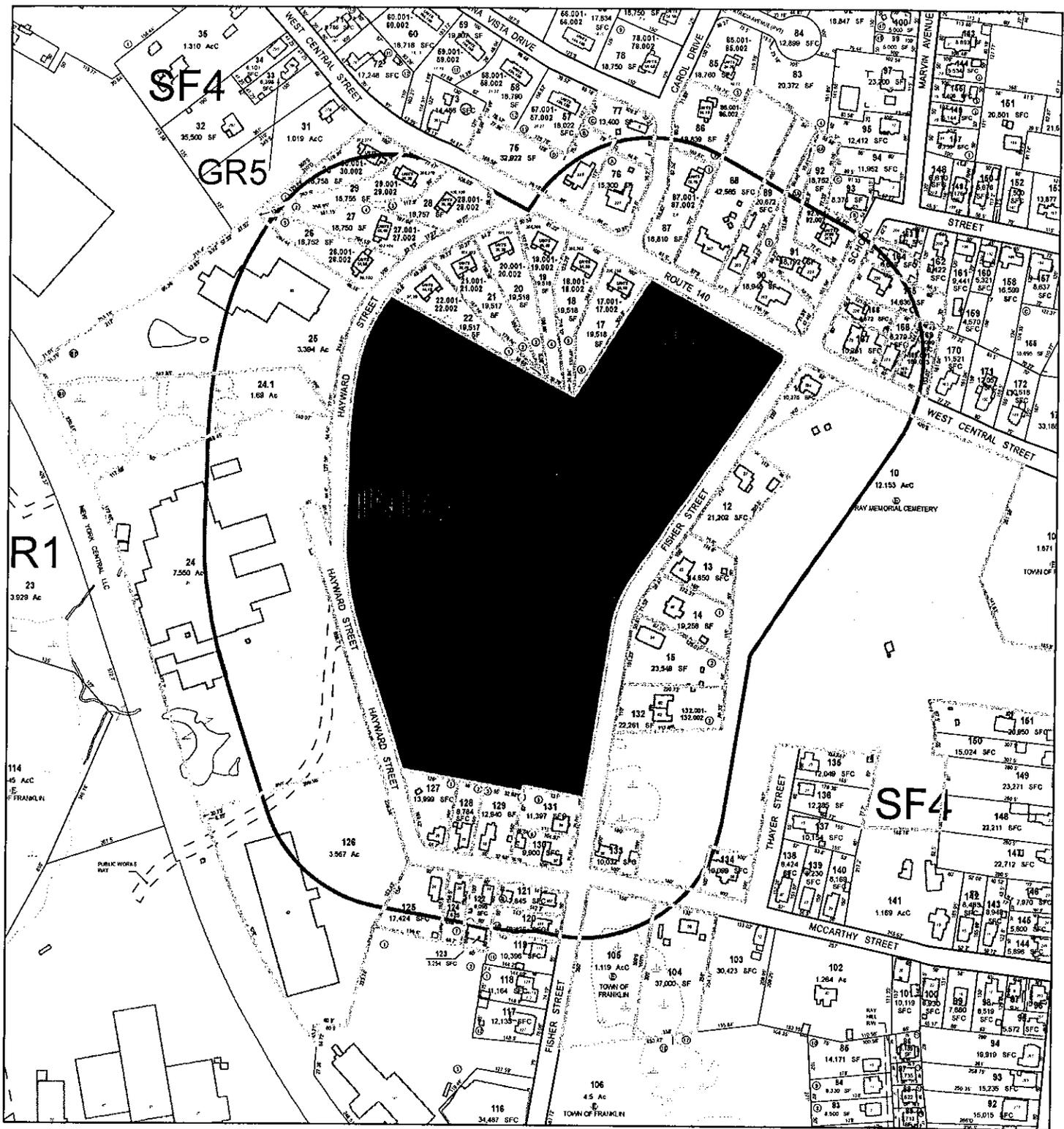
Requestor's Address Level Design Group, LLC, 249 South Street,  
Plainville, MA 02762

Requestor's Telephone #508.695.2221

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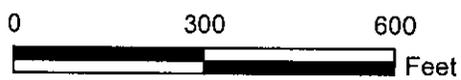
Office Use Only: Date Fee Paid 6 / 21 / 21 Paid in Cash \$ 25.00

Paid by Check \$ \_\_\_\_\_ Check # \_\_\_\_\_ Town Receipt # \_\_\_\_\_

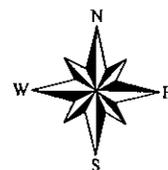


**1-3-5 FISHER ST - 300' ABUTTERS**

Town of Franklin



6/23/2021



# 300' Abutters List Report

Franklin, MA  
June 23, 2021

## Subject Parcel:

Parcel Number: 278-016-000  
CAMA Number: 278-016-000-000  
Property Address: 1 FISHER ST

Mailing Address: K FISHER STREET LLC  
69 MILK ST STE 107  
WESTBOROUGH, MA 01581

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## Abutters:

Parcel Number: 278-010-000  
CAMA Number: 278-010-000-000  
Property Address: 150 WEST CENTRAL ST

Mailing Address: RAY MEMORIAL CEMETERY C/O  
WALTER JACKSON  
23 FOREST ST  
FRANKLIN, MA 02038

Parcel Number: 278-011-000  
CAMA Number: 278-011-000-000  
Property Address: 184 WEST CENTRAL ST

Mailing Address: JKRJ PRINCE LLC  
52 OCTOBER DR  
FRANKLIN, MA 02038

Parcel Number: 278-012-000  
CAMA Number: 278-012-000-000  
Property Address: 22 FISHER ST

Mailing Address: SVM PARTNERS LLC C/O SVM  
HOLDINGS LLC  
430 FRANKLIN VILLAGE DR #298  
FRANKLIN, MA 02038

Parcel Number: 278-013-000  
CAMA Number: 278-013-000-000  
Property Address: 42 FISHER ST

Mailing Address: GALLIVAN JAMES P LYNCH AMANDA J  
42 FISHER ST  
FRANKLIN, MA 02038

Parcel Number: 278-014-000  
CAMA Number: 278-014-000-000  
Property Address: 46 FISHER ST

Mailing Address: GEARY MICHAEL WALLACE  
46 FISHER ST  
FRANKLIN, MA 02038

Parcel Number: 278-015-000  
CAMA Number: 278-015-000-000  
Property Address: 54 FISHER ST

Mailing Address: CATERINA JOHN S TR CATERINA  
REALTY TRUST  
253 AYER RIDGE RD  
FREEDOM, ME 04941-3003

Parcel Number: 278-016-000  
CAMA Number: 278-016-000-000  
Property Address: 1 FISHER ST

Mailing Address: K FISHER STREET LLC  
69 MILK ST STE 107  
WESTBOROUGH, MA 01581

Parcel Number: 278-017-000  
CAMA Number: 278-017-000-001  
Property Address: 256 WEST CENTRAL ST

Mailing Address: WALLACE ELISABETH ANN TR  
ELISABETH A WALLACE FAM TRUST  
1 ANAWAN TERRACE  
WEST ROXBURY, MA 02132

Parcel Number: 278-017-000  
CAMA Number: 278-017-000-000  
Property Address: 256 WEST CENTRAL ST

Mailing Address: HAYWARD PARK CONDOMINIUM C/O  
CAROL ROBLIN  
PO BOX 680  
FRANKLIN, MA 02038

Parcel Number: 278-017-000  
CAMA Number: 278-017-000-002  
Property Address: 258 WEST CENTRAL ST

Mailing Address: BUANNO ANDREW J TROY KATHRYN R  
258 WEST CENTRAL ST UNIT 6B  
FRANKLIN, MA 02038

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# 300' Abutters List Report

Franklin, MA

June 23, 2021

Parcel Number: 278-018-000  
CAMA Number: 278-018-000-001  
Property Address: 260 WEST CENTRAL ST

Mailing Address: ST PIERRE MICHAEL  
260 W CENTRAL ST #5A  
FRANKLIN, MA 02038

Parcel Number: 278-018-000  
CAMA Number: 278-018-000-002  
Property Address: 262 WEST CENTRAL ST

Mailing Address: MCGINNIS JOSEPH F MCGINNIS  
KATHLEEN  
262 WEST CENTRAL ST - UNIT 5B  
FRANKLIN, MA 02038

Parcel Number: 278-018-000  
CAMA Number: 278-018-000-000  
Property Address: 260 WEST CENTRAL ST

Mailing Address: HAYWARD PARK CONDOMINIUM C/O  
CAROL ROBLIN  
PO BOX 680  
FRANKLIN, MA 02038

Parcel Number: 278-019-000  
CAMA Number: 278-019-000-002  
Property Address: 266 WEST CENTRAL ST

Mailing Address: DAVID KEITH J  
266 WEST CENTRAL ST  
FRANKLIN, MA 02038

Parcel Number: 278-019-000  
CAMA Number: 278-019-000-001  
Property Address: 264 WEST CENTRAL ST

Mailing Address: COLANTONI ROBERT P  
264 WEST CENTRAL ST  
FRANKLIN, MA 02038

Parcel Number: 278-019-000  
CAMA Number: 278-019-000-000  
Property Address: 264 WEST CENTRAL ST

Mailing Address: HAYWARD PARK CONDOMINIUM C/O  
CAROL ROBLIN  
PO BOX 680  
FRANKLIN, MA 02038

Parcel Number: 278-020-000  
CAMA Number: 278-020-000-000  
Property Address: 105 HAYWARD ST

Mailing Address: HAYWARD PARK CONDOMINIUM C/O  
CAROL ROBLIN  
PO BOX 680  
FRANKLIN, MA 02038

Parcel Number: 278-020-000  
CAMA Number: 278-020-000-002  
Property Address: 107 HAYWARD ST

Mailing Address: RANDOLPH TYLER RANDOLPH JESSICA  
107 HAYWARD ST UT 3A  
FRANKLIN, MA 02038

Parcel Number: 278-020-000  
CAMA Number: 278-020-000-001  
Property Address: 105 HAYWARD ST

Mailing Address: KASABIAN KARLA  
105 HAYWARD ST UT 3B  
FRANKLIN, MA 02038

Parcel Number: 278-021-000  
CAMA Number: 278-021-000-002  
Property Address: 101 HAYWARD ST

Mailing Address: ROBLIN CAROL A TR ROBLIN LIVING  
TRUST  
101 HAYWARD ST  
FRANKLIN, MA 02038

Parcel Number: 278-021-000  
CAMA Number: 278-021-000-001  
Property Address: 103 HAYWARD ST

Mailing Address: LESSER NICOLE A TEMPESTA THOMAS  
M  
103 HAYWARD ST - U-2A  
FRANKLIN, MA 02038

Parcel Number: 278-021-000  
CAMA Number: 278-021-000-000  
Property Address: 103 HAYWARD ST

Mailing Address: HAYWARD PARK CONDOMINIUM C/O  
CAROL ROBLIN  
PO BOX 680  
FRANKLIN, MA 02038

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# 300' Abutters List Report

Franklin, MA

June 23, 2021

Parcel Number: 278-022-000  
CAMA Number: 278-022-000-002  
Property Address: 99 HAYWARD ST

Mailing Address: CHAN ANABEL  
99 HAYWARD ST, UT 1A  
FRANKLIN, MA 02038

Parcel Number: 278-022-000  
CAMA Number: 278-022-000-000  
Property Address: 97 HAYWARD ST

Mailing Address: HAYWARD PARK CONDOMINIUM C/O  
CAROL ROBLIN  
PO BOX 680  
FRANKLIN, MA 02038

Parcel Number: 278-022-000  
CAMA Number: 278-022-000-001  
Property Address: 97 HAYWARD ST

Mailing Address: THOMPSON BRUCE J THOMPSON  
KIMBERLY J  
7 APPLETON RD  
NATICK, MA 01760

Parcel Number: 278-024-000  
CAMA Number: 278-024-000-000  
Property Address: 31 HAYWARD ST

Mailing Address: MOSELEY REALTY LLC  
31 HAYWARD ST STE F  
FRANKLIN, MA 02038

Parcel Number: 278-024-001  
CAMA Number: 278-024-001-000  
Property Address: HAYWARD ST

Mailing Address: MOSELEY REALTY LLC  
31 HAYWARD ST STE F  
FRANKLIN, MA 02038

Parcel Number: 278-025-000  
CAMA Number: 278-025-000-000  
Property Address: 90 HAYWARD ST

Mailing Address: CFS REALTY CORPORATION  
130 OLD CENTER HARBOR RD  
CENTER HARBOR, NH 03226

Parcel Number: 278-026-000  
CAMA Number: 278-026-000-001  
Property Address: 100 HAYWARD ST

Mailing Address: PRECOURT KRISTEN M  
100 HAYWARD STREET  
FRANKLIN, MA 02038

Parcel Number: 278-026-000  
CAMA Number: 278-026-000-002  
Property Address: 98 HAYWARD ST

Mailing Address: KAHR DEREK R  
98 HAYWARD ST UNIT 5B  
FRANKLIN, MA 02038

Parcel Number: 278-026-000  
CAMA Number: 278-026-000-000  
Property Address: 100 HAYWARD ST

Mailing Address: HAYWARD TOWNHOUSE CONDOMINIUM  
C/O ADVANCED CONDO MANAGEMENT  
40 MECHANIC ST  
FOXBORO, MA 02035

Parcel Number: 278-027-000  
CAMA Number: 278-027-000-002  
Property Address: 102 HAYWARD ST

Mailing Address: REDINGER DONALD  
102 HAYWARD ST UNIT 4B  
FRANKLIN, MA 02038

Parcel Number: 278-027-000  
CAMA Number: 278-027-000-000  
Property Address: 102 HAYWARD ST

Mailing Address: HAYWARD TOWNHOUSE CONDOMINIUM  
C/O ADVANCED CONDO MANAGEMENT  
40 MECHANIC ST  
FOXBORO, MA 02035

Parcel Number: 278-027-000  
CAMA Number: 278-027-000-001  
Property Address: 104 HAYWARD ST

Mailing Address: MACKENZIE ALASDAIR TR ALASDAIR  
MACKENZIE LIVING TR  
104 HAYWARD ST - UNIT 4A  
FRANKLIN, MA 02038

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# 300' Abutters List Report

Franklin, MA

June 23, 2021

Parcel Number: 278-028-000  
CAMA Number: 278-028-000-002  
Property Address: 108 HAYWARD ST

Mailing Address: OSBORNE MING H, TR OSBORNE  
REALTY TR  
260 POND ST  
FRANKLIN, MA 02038

Parcel Number: 278-028-000  
CAMA Number: 278-028-000-000  
Property Address: 106 HAYWARD ST

Mailing Address: HAYWARD TOWNHOUSE CONDOMINIUM  
C/O ADVANCED CONDO MANAGEMENT  
40 MECHANIC ST  
FOXBORO, MA 02035

Parcel Number: 278-028-000  
CAMA Number: 278-028-000-001  
Property Address: 106 HAYWARD ST

Mailing Address: JACOBSEN KATHERINE M  
106 HAYWARD ST  
FRANKLIN, MA 02038

Parcel Number: 278-029-000  
CAMA Number: 278-029-000-002  
Property Address: 270 WEST CENTRAL ST

Mailing Address: BALLARD JAMES J  
270 WEST CENTRAL ST - UNIT 2A  
FRANKLIN, MA 02038

Parcel Number: 278-029-000  
CAMA Number: 278-029-000-001  
Property Address: 268 WEST CENTRAL ST

Mailing Address: CHAMBERS WALTER D  
268 WEST CENTRAL ST  
FRANKLIN, MA 02038

Parcel Number: 278-029-000  
CAMA Number: 278-029-000-000  
Property Address: 268 WEST CENTRAL ST

Mailing Address: HAYWARD TOWNHOUSE CONDOMINIUM  
C/O ADVANCED CONDO MANAGEMENT  
40 MECHANIC ST  
FOXBORO, MA 02035

Parcel Number: 278-030-000  
CAMA Number: 278-030-000-000  
Property Address: 272 WEST CENTRAL ST

Mailing Address: HAYWARD TOWNHOUSE CONDOMINIUM  
C/O ADVANCED CONDO MANAGEMENT  
40 MECHANIC ST  
FOXBORO, MA 02035

Parcel Number: 278-030-000  
CAMA Number: 278-030-000-001  
Property Address: 272 WEST CENTRAL ST

Mailing Address: HALLIGAN PROPERTIES LLC  
1 NEWELL DR  
FRANKLIN, MA 02038

Parcel Number: 278-030-000  
CAMA Number: 278-030-000-002  
Property Address: 274 WEST CENTRAL ST

Mailing Address: STARKWEATHER ALLAN  
274 WEST CENTRAL ST  
FRANKLIN, MA 02038

Parcel Number: 278-075-000  
CAMA Number: 278-075-000-000  
Property Address: 233 WEST CENTRAL ST

Mailing Address: 786 W CENTRAL LLC  
233 WEST CENTRAL ST  
FRANKLIN, MA 02038

Parcel Number: 278-076-000  
CAMA Number: 278-076-000-000  
Property Address: 227 WEST CENTRAL ST

Mailing Address: HEALEY-GARREY KATHLEEN GARREY  
WILLIAM J  
227 WEST CENTRAL ST  
FRANKLIN, MA 02038

Parcel Number: 278-077-000  
CAMA Number: 278-077-000-000  
Property Address: 5 CAROL DR

Mailing Address: OLIVEIRA GLEYSON F  
5 CAROL DR  
FRANKLIN, MA 02038

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# 300' Abutters List Report

Franklin, MA  
June 23, 2021

Parcel Number: 278-086-000 CAMA Number: 278-086-000-001 Property Address: 8 CAROL DR	Mailing Address: ROWELL STEPHEN J 8 CAROL DR FRANKLIN, MA 02038
Parcel Number: 278-086-000 CAMA Number: 278-086-000-000 Property Address: 6 CAROL DR	Mailing Address: MARVIN GARDENS TOWNHOUSE CONDO C/O ROWELL STEPHEN J 8 CAROL DR FRANKLIN, MA 02038
Parcel Number: 278-086-000 CAMA Number: 278-086-000-002 Property Address: 6 CAROL DR	Mailing Address: MORILLO EDWIN GOMEZ JIMENEZ EVELYN M 6 CAROL DR UNIT 1B FRANKLIN, MA 02038
Parcel Number: 278-087-000 CAMA Number: 278-087-000-002 Property Address: 4 CAROL DR	Mailing Address: DEVIRGILIO JANICE 4 CAROL DR FRANKLIN, MA 02038
Parcel Number: 278-087-000 CAMA Number: 278-087-000-001 Property Address: 2 CAROL DR	Mailing Address: SWAHN LINDA A 9 HILLSIDE AVE MILFORD, MA 01757
Parcel Number: 278-087-000 CAMA Number: 278-087-000-000 Property Address: 2 CAROL DR	Mailing Address: MARVIN GARDENS TOWNHOUSE CONDO C/O SWAHN LINDA A 2 CAROL DR FRANKLIN, MA 02038
Parcel Number: 278-088-000 CAMA Number: 278-088-000-000 Property Address: 207 WEST CENTRAL ST	Mailing Address: THE VIDEAN GROUP LLC C/O SVM HOLDINGS LLC 430 FRANKLIN VILLAGE DR #298 FRANKLIN, MA 02038
Parcel Number: 278-089-000 CAMA Number: 278-089-000-000 Property Address: 205 WEST CENTRAL ST	Mailing Address: MARYJOE LLC C/O SVM HOLDINGS LLC 430 FRANKLIN VILLAGE DR #298 FRANKLIN, MA 02038
Parcel Number: 278-090-000 CAMA Number: 278-090-000-000 Property Address: 193 WEST CENTRAL ST	Mailing Address: THE VIDEAN GROUP LLC C/O SVM HOLDINGS LLC 430 FRANKLIN VILLAGE DR #298 FRANKLIN, MA 02038
Parcel Number: 278-091-000 CAMA Number: 278-091-000-000 Property Address: 223 SCHOOL ST	Mailing Address: SVM PARTNERS LLC C/O SVM HOLDINGS LLC 430 FRANKLIN VILLAGE DR #298 FRANKLIN, MA 02038
Parcel Number: 278-092-000 CAMA Number: 278-092-000-002 Property Address: 217 SCHOOL ST	Mailing Address: BOUDREAU ALICIA M BOUDREAU BRETT A 217 SCHOOL ST FRANKLIN, MA 02038
Parcel Number: 278-092-000 CAMA Number: 278-092-000-001 Property Address: 215 SCHOOL ST	Mailing Address: MALRICH LLC 46 LENOX DR FRANKLIN, MA 02038

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# 300' Abutters List Report

Franklin, MA

June 23, 2021

Parcel Number: 278-092-000  
CAMA Number: 278-092-000-000  
Property Address: 215 SCHOOL ST

Mailing Address: SCHOOL STREET CONDO 215-217 C/O  
DURAN JAMES D  
215 SCHOOL ST UNIT R  
FRANKLIN, MA 02038

Parcel Number: 278-164-000  
CAMA Number: 278-164-000-000  
Property Address: 216 SCHOOL ST

Mailing Address: WHEELER STEVEN A WHEELER KAREN  
216 SCHOOL ST  
FRANKLIN, MA 02038

Parcel Number: 278-165-000  
CAMA Number: 278-165-000-000  
Property Address: 220 SCHOOL ST

Mailing Address: MILLER BRADFORD S MILLER ERIN E  
220 SCHOOL STREET  
FRANKLIN, MA 02038

Parcel Number: 278-166-000  
CAMA Number: 278-166-000-000  
Property Address: 228 SCHOOL ST

Mailing Address: ATTARDI ANTONIO ATTARDI MAUREEN  
D  
228 SCHOOL ST  
FRANKLIN, MA 02038

Parcel Number: 278-167-000  
CAMA Number: 278-167-000-000  
Property Address: 179 WEST CENTRAL ST

Mailing Address: DELBOU JAMES E JR DELBOU  
JACQUELINE  
179 WEST CENTRAL ST  
FRANKLIN, MA 02038

Parcel Number: 278-168-000  
CAMA Number: 278-168-000-000  
Property Address: 173 WEST CENTRAL ST

Mailing Address: TAYLOR CHRISTOPHER G TAYLOR DANA  
J  
173 WEST CENTRAL ST  
FRANKLIN, MA 02038

Parcel Number: 278-169-000  
CAMA Number: 278-169-000-003  
Property Address: 165 WEST CENTRAL ST

Mailing Address: DUDDY STEVEN DUDDY HEATHER  
165 WEST CENTRAL ST  
FRANKLIN, MA 02038

Parcel Number: 278-169-000  
CAMA Number: 278-169-000-000  
Property Address: 165 WEST CENTRAL ST

Mailing Address: RINALDI JAMES  
21 IMBARO ROAD  
HYDE PARK, MA 02136-1408

Parcel Number: 278-169-000  
CAMA Number: 278-169-000-001  
Property Address: 169 WEST CENTRAL ST

Mailing Address: HANLEY CHERYL A  
169 WEST CENTRAL ST  
FRANKLIN, MA 02038

Parcel Number: 278-169-000  
CAMA Number: 278-169-000-002  
Property Address: 167 WEST CENTRAL ST

Mailing Address: VOLPE KATHLEEN A  
167 WEST CENTRAL ST  
FRANKLIN, MA 02038

Parcel Number: 287-104-000  
CAMA Number: 287-104-000-000  
Property Address: 58 MCCARTHY ST

Mailing Address: PISANI RODNEY A & BARBARA J L/  
58 MCCARTHY ST  
FRANKLIN, MA 02038

Parcel Number: 287-105-000  
CAMA Number: 287-105-000-000  
Property Address: MCCARTHY ST

Mailing Address: FRANKLIN TOWN OF  
355 CENTRAL ST  
FRANKLIN, MA 02038

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# 300' Abutters List Report

Franklin, MA

June 23, 2021

Parcel Number: 287-120-000 CAMA Number: 287-120-000-000 Property Address: 111 FISHER ST	Mailing Address: BESTERFIELD BARBARA A 111 FISHER ST FRANKLIN, MA 02038
Parcel Number: 287-121-000 CAMA Number: 287-121-000-000 Property Address: 107 FISHER ST	Mailing Address: AMATUCCI NOAH AMATUCCI BETHANY 107 FISHER ST FRANKLIN, MA 02038
Parcel Number: 287-122-000 CAMA Number: 287-122-000-000 Property Address: 14 HAYWARD ST	Mailing Address: CARRACHINO ANTHONY P CARRACHINO VALERIE A 14 HAYWARD ST FRANKLIN, MA 02038
Parcel Number: 287-123-000 CAMA Number: 287-123-000-000 Property Address: HAYWARD ST	Mailing Address: GRASSIA BEAU TR HAYWARD ST REALTY TRUST PO BOX 684 FRANKLIN, MA 02038
Parcel Number: 287-124-000 CAMA Number: 287-124-000-000 Property Address: 20 HAYWARD ST	Mailing Address: FRIEND DANA P FRIEND DIANE M 20 HAYWARD ST FRANKLIN, MA 02038
Parcel Number: 287-125-000 CAMA Number: 287-125-000-000 Property Address: 24 HAYWARD ST	Mailing Address: EISENHAUER DANA L EISENHAUER PATTI L 24 HAYWARD ST FRANKLIN, MA 02038
Parcel Number: 287-126-000 CAMA Number: 287-126-000-000 Property Address: 42 HAYWARD ST	Mailing Address: AIRLOC CORPORATION 42 HAYWARD ST FRANKLIN, MA 02038-2114
Parcel Number: 287-127-000 CAMA Number: 287-127-000-000 Property Address: 25 HAYWARD ST	Mailing Address: NDOYE OUMAR 25 HAYWARD ST FRANKLIN, MA 02038
Parcel Number: 287-128-000 CAMA Number: 287-128-000-000 Property Address: 19 HAYWARD ST	Mailing Address: DAVIES REIDAR S 78 CONLYN AVE FRANKLIN, MA 02038
Parcel Number: 287-129-000 CAMA Number: 287-129-000-000 Property Address: 15 HAYWARD ST	Mailing Address: KEARNEY MICHAEL D KEARNEY KERSTIN H 15 HAYWARD ST FRANKLIN, MA 02038
Parcel Number: 287-130-000 CAMA Number: 287-130-000-000 Property Address: 97 FISHER ST	Mailing Address: GIOVANELLA RICHARD 97 FISHER ST FRANKLIN, MA 02038
Parcel Number: 287-131-000 CAMA Number: 287-131-000-000 Property Address: 91 FISHER ST	Mailing Address: METCALF EILEEN 91 FISHER ST FRANKLIN, MA 02038

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# 300' Abutters List Report

Franklin, MA  
June 23, 2021

Parcel Number: 287-132-000  
CAMA Number: 287-132-000-001  
Property Address: 60 FISHER ST

Mailing Address: MILOT JOHN G MILOT KAREN M  
60 FISHER ST  
FRANKLIN, MA 02038

Parcel Number: 287-132-000  
CAMA Number: 287-132-000-002  
Property Address: 62 FISHER ST

Mailing Address: LIANG WILLIAM LIANG WINNIE  
62 FISHER ST  
FRANKLIN, MA 02038

Parcel Number: 287-132-000  
CAMA Number: 287-132-000-000  
Property Address: 60 FISHER ST

Mailing Address: TC CORPORATION GERALD F THAYER,  
PRESIDENT  
149 BENT STREET  
FRANKLIN, MA 02038

Parcel Number: 287-133-000  
CAMA Number: 287-133-000-000  
Property Address: 96 FISHER ST

Mailing Address: KING CHRISTIAN  
96 FISHER ST  
FRANKLIN, MA 02038

Parcel Number: 287-134-000  
CAMA Number: 287-134-000-000  
Property Address: 55 MCCARTHY ST

Mailing Address: BUCHANIO DONNA  
55 MCCARTHY ST  
FRANKLIN, MA 02038

*Kevin W. Doyle, 6-23-2021*

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RAY MEMORIAL CEMETERY  
C/O WALTER JACKSON  
23 FOREST ST  
FRANKLIN, MA 02038

ST PIERRE MICHAEL  
260 W CENTRAL ST #5A  
FRANKLIN, MA 02038

MOSELEY REALTY LLC  
31 HAYWARD ST STE F  
FRANKLIN, MA 02038

JKRJ PRINCE LLC  
52 OCTOBER DR  
FRANKLIN, MA 02038

MCGINNIS JOSEPH F  
MCGINNIS KATHLEEN  
262 WEST CENTRAL ST - UNIT 5B  
FRANKLIN, MA 02038

CFS REALTY CORPORATION  
130 OLD CENTER HARBOR RD  
CENTER HARBOR, NH 03226

SVM PARTNERS LLC  
C/O SVM HOLDINGS LLC  
430 FRANKLIN VILLAGE DR #298  
FRANKLIN, MA 02038

DAVID KEITH J  
266 WEST CENTRAL ST  
FRANKLIN, MA 02038

KAHR DEREK R  
98 HAYWARD ST UNIT 5B  
FRANKLIN, MA 02038

GALLIVAN JAMES P  
LYNCH AMANDA J  
42 FISHER ST  
FRANKLIN, MA 02038

COLANTONI ROBERT P  
264 WEST CENTRAL ST  
FRANKLIN, MA 02038

HAYWARD TOWNHOUSE CONDOMI  
C/O ADVANCED CONDO MANAGE  
40 MECHANIC ST  
FOXBORO, MA 02035

GEARY MICHAEL WALLACE  
46 FISHER ST  
FRANKLIN, MA 02038

RANDOLPH TYLER  
RANDOLPH JESSICA  
107 HAYWARD ST UT 3A  
FRANKLIN, MA 02038

PRECOURT KRISTEN M  
100 HAYWARD STREET  
FRANKLIN, MA 02038

CATERINA JOHN S TR  
CATERINA REALTY TRUST  
253 AYER RIDGE RD  
FREEDOM, ME 04941-3003

KASABIAN KARLA  
105 HAYWARD ST UT 3B  
FRANKLIN, MA 02038

REDINGER DONALD  
102 HAYWARD ST UNIT 4B  
FRANKLIN, MA 02038

K FISHER STREET LLC  
69 MILK ST STE 107  
WESTBOROUGH, MA 01581

ROBLIN CAROL A TR  
ROBLIN LIVING TRUST  
101 HAYWARD ST  
FRANKLIN, MA 02038

MACKENZIE ALASDAIR TR  
ALASDAIR MACKENZIE LIVING  
104 HAYWARD ST - UNIT 4A  
FRANKLIN, MA 02038

HAYWARD PARK CONDOMINIUM  
C/O CAROL ROBLIN  
PO BOX 680  
FRANKLIN, MA 02038

LESSER NICOLE A  
TEMPESTA THOMAS M  
103 HAYWARD ST - U-2A  
FRANKLIN, MA 02038

JACOBSEN KATHERINE M  
106 HAYWARD ST  
FRANKLIN, MA 02038

WALLACE ELISABETH ANN TR  
ELISABETH A WALLACE FAM T  
1 ANAWAN TERRACE  
WEST ROXBURY, MA 02132

THOMPSON BRUCE J  
THOMPSON KIMBERLY J  
7 APPLETON RD  
NATICK, MA 01760

OSBORNE MING H, TR  
OSBORNE REALTY TR  
260 POND ST  
FRANKLIN, MA 02038

BUANNO ANDREW J  
TROY KATHRYN R  
258 WEST CENTRAL ST UNIT 6B  
FRANKLIN, MA 02038

CHAN ANABEL  
99 HAYWARD ST, UT1A  
FRANKLIN, MA 02038

CHAMBERS WALTER D  
268 WEST CENTRAL ST  
FRANKLIN, MA 02038

BALLARD JAMES J  
270 WEST CENTRAL ST - UNIT 2A  
FRANKLIN, MA 02038

MARVIN GARDENS TOWNHOUSE  
C/O SWAHN LINDA A  
2 CAROL DR  
FRANKLIN, MA 02038

DELBOU JAMES E JR  
DELBOU JACQUELINE  
179 WEST CENTRAL ST  
FRANKLIN, MA 02038

STARKWEATHER ALLAN  
274 WEST CENTRAL ST  
FRANKLIN, MA 02038

SWAHN LINDA A  
9 HILLSIDE AVE  
MILFORD, MA 01757

TAYLOR CHRISTOPHER G  
TAYLOR DANA J  
173 WEST CENTRAL ST  
FRANKLIN, MA 02038

HALLIGAN PROPERTIES LLC  
1 NEWELL DR  
FRANKLIN, MA 02038

THE VIDEAN GROUP LLC  
C/O SVM HOLDINGS LLC  
430 FRANKLIN VILLAGE DR #298  
FRANKLIN, MA 02038

HANLEY CHERYL A  
169 WEST CENTRAL ST  
FRANKLIN, MA 02038

786 W CENTRAL LLC  
233 WEST CENTRAL ST  
FRANKLIN, MA 02038

MARYJOE LLC  
C/O SVM HOLDINGS LLC  
430 FRANKLIN VILLAGE DR #298  
FRANKLIN, MA 02038

DUDDY STEVEN  
DUDDY HEATHER  
165 WEST CENTRAL ST  
FRANKLIN, MA 02038

HEALEY-GARREY KATHLEEN  
GARREY WILLIAM J  
227 WEST CENTRAL ST  
FRANKLIN, MA 02038

SCHOOL STREET CONDO 215-2  
C/O DURAN JAMES D  
215 SCHOOL ST UNIT R  
FRANKLIN, MA 02038

VOLPE KATHLEEN A  
167 WEST CENTRAL ST  
FRANKLIN, MA 02038

OLIVEIRA GLEYSON F  
5 CAROL DR  
FRANKLIN, MA 02038

BOUDREAU ALICIA M  
BOUDREAU BRETT A  
217 SCHOOL ST  
FRANKLIN, MA 02038

RINALDI JAMES  
21 IMBARO ROAD  
HYDE PARK, MA 02136-1408

MORILLO EDWIN  
GOMEZ JIMENEZ EVELYN M  
6 CAROL DR UNIT 1B  
FRANKLIN, MA 02038

MALRICH LLC  
46 LENOX DR  
FRANKLIN, MA 02038

PISANI RODNEY A & BARBARA  
58 MCCARTHY ST  
FRANKLIN, MA 02038

MARVIN GARDENS TOWNHOUSE  
C/O ROWELL STEPHEN J  
8 CAROL DR  
FRANKLIN, MA 02038

WHEELER STEVEN A  
WHEELER KAREN  
216 SCHOOL ST  
FRANKLIN, MA 02038

FRANKLIN TOWN OF  
355 CENTRAL ST  
FRANKLIN, MA 02038

ROWELL STEPHEN J  
8 CAROL DR  
FRANKLIN, MA 02038

MILLER BRADFORD S  
MILLER ERIN E  
220 SCHOOL STREET  
FRANKLIN, MA 02038

BESTERFIELD BARBARA A  
111 FISHER ST  
FRANKLIN, MA 02038

DEVIRGILIO JANICE  
4 CAROL DR  
FRANKLIN, MA 02038

ATTARDI ANTONIO  
ATTARDI MAUREEN D  
228 SCHOOL ST  
FRANKLIN, MA 02038

AMATUCCI NOAH  
AMATUCCI BETHANY  
107 FISHER ST  
FRANKLIN, MA 02038

CARRACHINO ANTHONY P  
CARRACHINO VALERIE A  
14 HAYWARD ST  
FRANKLIN, MA 02038

LIANG WILLIAM  
LIANG WINNIE  
62 FISHER ST  
FRANKLIN, MA 02038

GRASSIA BEAU TR  
HAYWARD ST REALTY TRUST  
PO BOX 684  
FRANKLIN, MA 02038

TC CORPORATION  
GERALD F THAYER, PRESIDEN  
149 BENT STREET  
FRANKLIN, MA 02038

FRIEND DANA P  
FRIEND DIANE M  
20 HAYWARD ST  
FRANKLIN, MA 02038

MILOT JOHN G  
MILOT KAREN M  
60 FISHER ST  
FRANKLIN, MA 02038

EISENHAUER DANA L  
EISENHAUER PATTI L  
24 HAYWARD ST  
FRANKLIN, MA 02038

KING CHRISTIAN  
96 FISHER ST  
FRANKLIN, MA 02038

AIRLOC CORPORATION  
42 HAYWARD ST  
FRANKLIN, MA 02038-2114

BUCHANIO DONNA  
55 MCCARTHY ST  
FRANKLIN, MA 02038

NDOYE OUMAR  
25 HAYWARD ST  
FRANKLIN, MA 02038

DAVIES REIDAR S  
78 CONLYN AVE  
FRANKLIN, MA 02038

KEARNEY MICHAEL D  
KEARNEY KERSTIN H  
15 HAYWARD ST  
FRANKLIN, MA 02038

GIOVANELLA RICHARD  
97 FISHER ST  
FRANKLIN, MA 02038

METCALF EILEEN  
91 FISHER ST  
FRANKLIN, MA 02038



Mr. Anthony Padula  
Planning Board Chair  
Franklin Planning Board  
355 East Central Street  
Franklin, MA 02038

Re: Factory Square  
5 Fisher Street  
Franklin, MA

Dear Mr. Padula,

O'Reilly, Talbot & Okun Associates, Inc. (OTO) is engaged as the Licensed Site Professionals (LSP) of the Factory Square development. While the construction activities are on-going, we will be coordinating with the Owner and the Massachusetts Department of Environmental Protection on necessary documentation as required in the site Activity and Use Limitation (AUL). As the LSP-of-record I will also be on call if additional materials are noted during construction.

Please feel free to contact me if you have any questions.

Very truly yours,  
O'Reilly, Talbot & Okun Associates, Inc.

A handwritten signature in blue ink that reads "Bruce H. Nickelsen".

Bruce H. Nickelsen, LSP  
Associate

**278-016-000-000**

RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DEDHAM, MA

After recording return to:

Goodwin Procter LLP  
Exchange Place  
Boston MA 02109  
Attn: Anya Wittenborg

CERTIFY

*William P. O'Donnell*  
WILLIAM P. O'DONNELL, REGISTER

## QUITCLAIM DEED

**JAMES T, McDERMOTT, TRUSTEE OF THE HAYWARD STREET CCM REALTY TRUST** (the "Grantor"), under declaration of Trust dated February 2, 1998, recorded with the Norfolk County Registry of Deeds in Book 12257, Page 298, with an address of 5 Fisher Street, Franklin, MA 02038 , for consideration of Ten Dollars (\$10.00) paid, grants to **CCMcD Real Estate LLC**, a Massachusetts limited liability company, with an address of 5 Fisher Street, Franklin, MA 02038,

with **quitclaim covenants**,

that certain parcel of land in Franklin, Norfolk County, Massachusetts being located on the Easterly side of Hayward Street and shown as **Parcel "C"** on a plan entitled "Subdivision Plan of Land, Hayward Street, Franklin, Mass.", dated October 25, 1985, prepared by Colonial Land Surveying, Co. and recorded with the Norfolk County Registry of Deeds as **Plan No. 1131 of 1986, in Plan Book 341**, subject to rights, restrictions and encumbrances of record, if any, insofar as they are in force and applicable.

Meaning and intending to convey, and hereby conveying, the same premises conveyed to the Grantor by deed recorded with the Norfolk County Registry of Deeds in **Book 12257, Page 307**.

*[Remainder of page intentionally left blank.]*

Property Address: Hayward Street, Franklin, MA 02038

EXECUTED as a sealed instrument this 31~~st~~ day of March, 2014.

HAYWARD STREET CCM REALTY TRUST

By: [Signature]  
James T. McDermott, as Trustee and not  
individually

COMMONWEALTH OF MASSACHUSETTS

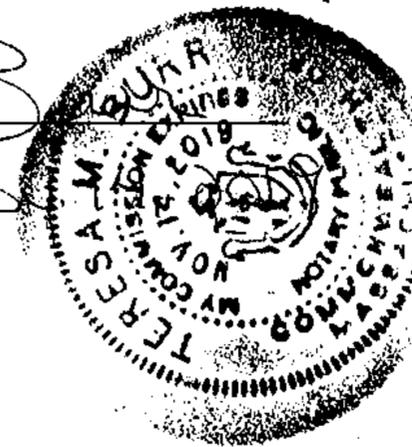
County of Norfolk, ss.

On this 17 day of March, 2014, before me, the undersigned notary public, personally appeared James T. McDermott, proved to me through satisfactory identification, which were [driver's license] or [based on the undersigned's personal knowledge of the identity of the principal], to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Trustee of the Hayward Street CCM Realty Trust.

[Signature]

Name:

My Commission Expires: None



**Form 1075**

**NOTICE OF ACTIVITY AND USE LIMITATION**

M.G.L. c. 21E, § 6 and 310 CMR 40.0000

Disposal Site Name: Clark-Cutler-McDermott Company (CCM)

DEP Release Tracking No.: 4-01044.

Address of Premises: 5 Fisher Street, Franklin, Massachusetts.

This Notice of Activity and Use Limitation ("Notice") is made as of this 29<sup>th</sup> day of November, 2005, by Clark-Cutler-McDermott Company (CCM), a Massachusetts Corporation with an address of 5 Fisher Street, Franklin, Massachusetts, together with its successors and assigns (collectively "Owner").

**WITNESSETH:**

WHEREAS, CCM, of 5 Fisher Street, Franklin, Massachusetts, is the owner(s) in fee simple of that certain parcel of land located in Franklin, Norfolk County, Massachusetts with the buildings and improvements thereon, pursuant to a deed recorded with the Norfolk County Registry of Deeds in Book 1187, Page 150;

WHEREAS, said parcel(s) of land, which is more particularly bounded and described in Exhibit A, attached hereto and made a part hereof ("Property") is subject to this Notice of Activity and Use Limitation. The Property is shown on a plan recorded in the Norfolk District Registry of Deeds in Plan Book 0546, Plan 82;

WHEREAS, portions of the Property ("Portions of the Property") is subject to this Notice of Activity and Use Limitation. The Portions of the Property are more particularly bounded and described in Exhibit A-1, attached hereto and made a part hereof. The Portions of the Property are shown on plan recorded with Norfolk County Registry of Deeds in Plan Book 0546, Plan 81;

WHEREAS, the Portions of the Property comprise part of a disposal site as the result of a release of oil and/or hazardous material. Exhibit B is a sketch plan showing the relationships of the Portions of the Property subject to this Notice of Activity and Use Limitation to the boundaries of said disposal site existing within the limits of the Property and to the extent such boundaries have been established. Exhibit B is attached hereto and made a part hereof; and

WHEREAS, one or more response actions have been selected for Portions of the Disposal Site in accordance with M.G.L. c. 21E ("Chapter 21E") and the Massachusetts Contingency Plan, 310 CMR 40.0000 ("MCP"). Said response actions are based upon (a) the restriction of human access to and contact with oil and/or hazardous material in soil and/or (b) the restriction of certain activities occurring in, on, through, over or under the Portions of the Property. The basis for such restrictions is set forth in an Activity and Use Limitation Opinion ("AUL Opinion"), dated November 28, 2005, (which is attached hereto as Exhibit C and made a part hereof);

NOW, THEREFORE, notice is hereby given that the activity and use limitations set forth in said AUL Opinion are as follows:

1. Activities and Uses Consistent with the AUL Opinion. The AUL Opinion provides that a condition of No Significant Risk to human health, safety, public welfare and the environment exists for any foreseeable period of time (pursuant to 310 CMR 40.0000) so long as any of the following activities and uses occur on the Portion of the Property:

- (i) Commercial and industrial activities and uses which do not cause and/or result in direct contact with, disturbance of, and/or relocation of, the petroleum-contaminated soil and/or direct contact with groundwater currently located at depths of 4 to 13 feet below surface grade;

- (ii) Landscaping and routine maintenance of landscaped areas which do not cause and/or result in direct contact with, disturbance of, and/or relocation of, the petroleum-contaminated soil and/or groundwater currently located at depths of 4 to 13 feet below surface grade;

- (iii) Soil intrusive activities associated with underground utility and/or construction work, landscaping, and routine maintenance of landscaped areas which is likely to disturb petroleum-contaminated soil and/or groundwater between 4 to 13 feet below surface grade provided that it is conducted in accordance with a Soil Management Plan (SMP) and Health and Safety Plan (HASP) prepared and implemented in accordance with Obligation 3. (i) and (ii) of this Notice prior to the commencement of such activity;

- (iv) Such other activities or uses which, in the Opinion of an LSP, shall present no greater risk of harm to health, safety, public welfare, or the environment than the activities and uses set forth in this paragraph.

- (v) Such other activities and uses not identified as being Activities and Uses inconsistent with the Opinion.

2. Activities and Uses Inconsistent with the AUL Opinion. Activities and uses which are inconsistent with the objectives of the AUL Opinion, and which, if implemented at the Portion of the Property, may result in a significant risk of harm to health, safety, public welfare, or the environment or in a substantial hazard, are as follows:

- (i) Use of the Portion of the Property as a residence, school, nursery, daycare or recreational facility without a LSP Evaluation Opinion that such use is consistent with maintaining a Condition of No Significant Risk;

- (ii) Soil intrusive activities including, but not limited to, excavation that is likely to disturb petroleum-impacted soil and/or groundwater located between 4 to 13 feet below surface grade without the prior development and implementation of a SMP and HASP in accordance with Obligations 3. (i) and (ii) of this Notice;

(iii) Any other activities and/or uses which are likely to disturb contaminated soil in a manner that would make it significantly more accessible without prior development of a SMP and a HASP in accordance with Obligations and Conditions enumerated below.

3. Obligations and Conditions Set Forth in the AUL Opinion. Obligations and/or conditions to be undertaken and/or maintained at the Portion of the Property to maintain a condition of No Significant Risk as set forth in the AUL Opinion shall include the following:

(i) A Soil Management Plan must be prepared by an LSP and implemented prior to the commencement of any activity that is likely to disturb the contaminated soil and/or groundwater located between 4 to 13 feet below surface grade. The Soil Management Plan should describe appropriate soil excavation, handling, storage, transport, and disposal procedures required when handling soils in the Portion of the Property. The Soil Management Plan should be developed to be sufficiently protective of human health consistent with the provisions of the Massachusetts Contingency Plan and must incorporate the provisions of the HASP described in Obligation (ii) below. On-site workers must be informed of the requirements of the Soil Management Plan, and the plan must be available on-site throughout the course of the project.

(ii) A Health and Safety Plan must be prepared by an Industrial Hygienist or other qualified individual sufficiently trained in worker health and safety requirements and implemented prior to the commencement of any activity which is likely to disturb contaminated soil between 4 and 13 feet below surface grade. The plan should clearly describe the location of the contaminated soil and specifically identify the types of personnel protective equipment, monitoring devices, and/or engineering controls necessary to protect the workers. Workers who may come in contact with contaminated soil within the Portion of the Property must be informed of the location of the contamination and the requirements of the HASP. The plan must be available on-site throughout the course of the project.

4. Proposed Changes in Activities and Uses. Any proposed changes in activities and uses at the Portions of the Property which may result in higher levels of exposure to oil and/or hazardous material than currently exist shall be evaluated by an LSP who shall render an Opinion, in accordance with 310 CMR 40.1080 *et seq.*, as to whether the proposed changes will present a significant risk of harm to health, safety, public welfare or the environment. Any and all requirements set forth in the Opinion to meet the objective of this Notice shall be satisfied before any such activity or use is commenced.

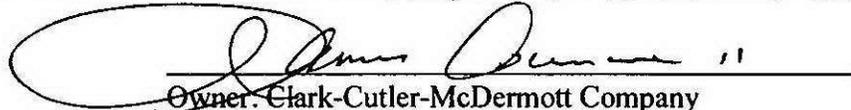
5. Violation of a Response Action Outcome. The activities, uses and/or exposures upon which this Notice is based shall not change at any time to cause a significant risk of harm to health, safety, public welfare, or the environment or to create substantial hazards due to exposure to oil and/or hazardous material without the prior evaluation by an LSP in accordance with 310 CMR 40.1080 *et seq.*, and without additional response actions, if necessary, to achieve or maintain a condition of No Significant Risk or to eliminate substantial hazards.

If the activities, uses, and/or exposures upon which this Notice is based change without the prior evaluation and additional response actions determined to be necessary by an LSP in accordance with 310 CMR 40.1080 *et seq.*, the owner or operator of the Portions of the Property subject to this Notice at the time that the activities, uses and/or exposures change, shall comply with the requirements set forth in 310 CMR 40.0020.

6. Incorporation Into Deeds, Mortgages, Leases, and Instruments of Transfer. This Notice shall be incorporated either in full or by reference into all future deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer, whereby an interest in and/or a right to use the Property or a portion thereof is conveyed.

Owner hereby authorizes and consents to the filing and recordation and/or registration of this Notice, said Notice to become effective when executed under seal by the undersigned LSP, and recorded and/or registered with the appropriate Registry(ies) of Deeds and/or Land Registration Office(s).

WITNESS the execution hereof under seal this 29 day of NOV. 2005.



Owner: Clark-Cutler-McDermott Company

By: James Aimone, II

Its: Executive Vice President

THE COMMONWEALTH OF MASSACHUSETTS

Norfolk (County), ss.

On this 29 day of November 2005, before me, the undersigned notary public, personally appeared James Aimone, II, Executive Vice of Clark-Cutler-McDermott Company, proved to me through satisfactory evidence of identification, which was Mass. Dr. Lic. photographic identification with signature issued by a federal or state governmental agency, \_\_\_\_\_ oath or affirmation of a credible witness, \_\_\_\_\_ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that James Aimone, II signed it voluntarily for its stated purpose as Executive Vice President of Clark-Cutler-McDermott Company.

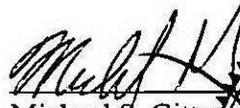
\_\_\_\_\_  
(official seal)

Notary Public Kerry L. Bresnahan  
My commission expires:

Kerry L. Bresnahan  
Notary Public  
My Commission Expires  
October 9, 2009

The undersigned LSP hereby certifies that he executed the aforesaid Activity and Use Limitation Opinion attached hereto as Exhibit C and made a part hereof and that in his Opinion this Notice of Activity and Use Limitation is consistent with the terms set forth in said Activity and Use Limitation Opinion.

Date: 11/30/05

  
Michael S. Gitten  
LSP SEAL



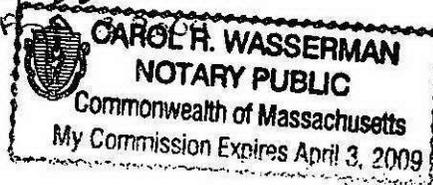
THE COMMONWEALTH OF MASSACHUSETTS

Norfolk (County), ss.

On this 30<sup>th</sup> day of November 2005, before me, the undersigned notary public, personally appeared Michael S. Gitten, proved to me through satisfactory evidence of identification, which was a Massachusetts photographic identification with signature issued by a federal or state governmental agency, or verified oath or affirmation of a credible witness, or on my personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that Michael S. Gitten signed it voluntarily for its stated purpose as a Licensed Site Professional.

\_\_\_\_\_  
(official seal)

Notary Public  
My commission expires:



**Upon recording, return to:**

James Aimone, II  
Clark-Cutler-McDermott Company-  
5 Fisher Street  
Franklin, Massachusetts 02038

**Exhibit A – Metes and Bounds Description of Parcel**

EXHIBIT A

A certain piece or parcel of land, situated in Franklin, Norfolk County, Massachusetts at the westerly corner of Fisher and Central Streets, and being bounded and described in Norfolk County Registry of Deeds in Book 1187 Page 150 as follows:

Beginning at the easterly corner thereof at the corner of said streets and thence running

Northwesterly on said Central Street, to a wall, by land of Harry T. Hayward; thence

Southwesterly on the wall by land of said Hayward to a corner; thence

Southeasterly on land of said Hayward, formerly of Emery Thayer, by a wall, to said Fisher Street; thence

Northeasterly on said Fisher Street, to the point of beginning

Containing three and one-half acres more or less.

**Exhibit A-1 – Metes and Bounds Description of AUL Portion of Property**

F-3184

**Area of**  
**Activity & Use Limitation**  
**(A.U.L.)**

An Area of Activity and Use Limitation (A.U.L.) on land N/F of Clark-Cutler McDermott Co., located northwesterly of Fisher Street and southwesterly of West Central Street in Franklin, Norfolk County, Massachusetts and being bounded and described as follows:

Beginning at a point on land N/F of Clark-Cutler McDermott Co. on the northerly face of wall of the southernmost building known as 5 Fisher Street at the southerly corner of the A.U.L. herein described, said point being located N 32°38'44" E a distance of 281.98' from a drillhole in a stone bound found at an angle point in the northwesterly sideline of Fisher Street; thence running

N 44°20'02" W	165.57 feet to a point; thence running
N 45°39'58" E	128.50 feet to a point; thence running
S 44°20'02" E	69.76 feet to a point at a corner of the southerly face of walls of the northerly building known as 5 Fisher Street; thence running
N 45°39'58" E	56.07 feet along the face of wall of the northerly building known as 5 Fisher Street to a point; thence running
S 44°20'02" E	39.43 feet to a point at a corner of the northerly face of walls of the southerly building known as 5 Fisher Street; thence running
S 45°39'58" W	62.50 feet to a point at a corner; thence running
S 02°36'27" W	16.70 feet to a point at a corner; thence running
S 44°34'14" E	48.40 feet to a point at a corner; thence running
S 45°39'58" W	7.80 feet to a point at a corner; thence running
N 44°20'02" W	10.20 feet to a point at a corner; thence running
S 45°39'58" W	62.50 feet to a point at a corner; thence running
S 44°20'02" E	10.00 feet to a point at a corner; thence running
S 45°39'58" W	18.70 feet to a point at a corner; thence running
N 44°20'02" W	3.20 feet to a point at a corner; thence running

S 45°39'58" W

21.03 feet to the Point of Beginning, the last ten courses along the northerly face of walls of the southerly building known as 5 Fisher Street.

The above-described Area of Activity and Use Limitation (A.U.L.) is more particularly shown and described on a plan entitled: "Area of Activity and Use Limitation (A.U.L.) Plan of Land in Franklin, Massachusetts"; Date: August 1, 2005, Scale: As Shown; Prepared by: Guerriere & Halnon, Inc., Engineering and Land Surveying, 38 Pond Street, Suite 206, Franklin, MA 02038.

The above-described Area of Activity and Use Limitation (A.U.L.) contains an area of 22,168 S.F. more or less.

**Exhibit B – Site Sketch**



**Exhibit C - Activity and Use Limitation Opinion Narrative**

## **Exhibit C**

### **Activity and Use Limitation Opinion**

In accordance with Section 40.1074 of the Massachusetts Contingency Plan (MCP; 310 CMR 40), this Activity and Use Limitation (AUL) Opinion has been prepared to support a Notice of Activity and Use Limitation ("NAUL") for a portion of the parcel of land ("Portion of the Property" or Effected Area") located at 5 Fisher Street in Franklin, Massachusetts. The legal metes and bounds description of the entire 5 Fisher Street property is provided in Exhibit A, while the metes and bounds description of the Portion of the Property subject to the AUL is provided in Exhibit A-1. Exhibit B shows the disposal site limits, AUL boundaries and its relationship to the property boundaries. The AUL boundaries are all located within a 3.5 acre portion of the property described in a deed recorded with the Norfolk County Registry of Deeds in Book 13296 Page 112. The MCP is the Commonwealth of Massachusetts' code of regulations for the notification, assessment, and cleanup of disposal sites where a release of oil and/or hazardous materials (OHM) has occurred.

#### **Site History**

As of the date of this AUL Opinion, the entire 5 Fisher Street property consists of approximately 14.75 acres of land and is improved with several industrial buildings. The buildings have been occupied by the Clark Cutler McDermott Company (CCM) since the early 1900s. CCM originally manufactured horse blankets and evolved to primarily manufacturing non-woven fiber products to support the auto industry and oleophilic absorbent fabric pads used by the environmental industry. The Site is zoned for commercial and industrial use and is currently covered in either pavement or building foundations.

During the removal of a 20,000-gallon underground storage tank (UST) on the Site on July 11, 1990, a release of No. 6 fuel oil was discovered and reported to the Massachusetts Department of Environmental Protection (MADEP). The total volume of No. 6 fuel oil released remains unknown. The release was first designated by MADEP as Incident Response No. 590-0509, but was later assigned RTN No. 4-01044, as per a MADEP Notice of Responsibility (NOR) letter dated March 15, 1991. Environmental assessment and remediation activities conducted at the Site under the MCP have been documented in numerous reports which are available for review at the MADEP Southeast Regional Office.

Response actions completed under the MCP have been performed at the Site since circa 1990. These response actions have included site investigations to determine the extent of fuel oil in the subsurface and a variety of oil recovery techniques including vacuum truck extraction and manual techniques such as bailing. Based on the results of Phase I and Phase II site investigations, extractable petroleum hydrocarbons (EPH) and polycyclic aromatic hydrocarbons (PAHs) remain in soil at the Site in the area of the former UST. A Site Plan depicting the location of the former UST and other Site features is provided as Exhibit B. Passive light non-aqueous phase liquid (LNAPL or oil) skimming has been implemented on the Site to remove the free-phase oil found in on-Site groundwater monitoring wells in the area of the

former UST. Based on LNAPL gauging results completed in 2004 - 2005, no LNAPL was detected in functional on-Site wells above the allowable 0.5 inch Upper Concentration Limit.

The Portion of the Property subject to this AUL is located beneath a portion of the central courtyard and under the boiler room building of the CCM facility. A sketch plan of the disposal site depicting the location of the Portion of the Property subject to the AUL is provided in Exhibit B.

### **Reason for Activity and Use Limitation**

A Method 3 Risk Characterization was conducted to evaluate the risk posed by the petroleum hydrocarbons remaining at the Site. Using the Method 3 approach, a Site-specific risk characterization was performed for current and future Site uses to evaluate the potential risk of harm to human health, safety, public welfare, and the environment. The Method 3 Risk Characterization concluded that the Site, due to the presence of subsurface oil in the Portion of the Property, poses a Significant Risk of harm to human health for construction workers who may be exposed through inhalation to C<sub>11</sub>-C<sub>22</sub> aromatic hydrocarbons that volatilize from soil into the construction workers' breathing space during soil intrusive activities. Construction worker exposure was also considered representative of short-term exposure that could be experienced by other human receptor groups, such as utility and landscape workers.

To address the risk to construction workers, an AUL will be implemented for the Portion of the Property. Specifically, the AUL requires that a Soil Management Plan (SMP) and site Health and Safety Plan (HASP) be developed under the supervision of an LSP when intrusive, subsurface work is to be conducted in the Portion of the Property to which this AUL applies. The SMP and HASP will require that measures be taken to either reduce the soil volatility and or reduce worker inhalation exposure, depending upon the nature of the project. For example, projects with relatively small, short duration excavations may only require respiratory protection whereas projects requiring more extensive excavation may also require the use of engineering controls to reduce soil volatility. If a reduction in soil volatility is determined to be the most appropriate control measure, techniques such as the addition of foam to control emissions from impacted soil could be employed. If the reduction of worker inhalation exposure is determined to be the appropriate control measure, the use of respirators with the proper filter cartridges could be employed. In either case, construction worker exposure must be monitored to ensure that inhalation exposures are below levels of concern.

The Method 3 Risk Characterization did not identify a Significant Risk of harm to human health for potential future residents on the property if it was to be used for residential purposes in the future. Due to the limited data set from which this conclusion was drawn the AUL was conservatively established. The AUL will prohibit the use of the AUL Portion of the Property for residential or similar purposes without a LSP Evaluation Opinion that such use is consistent with maintaining a Condition of No Significant Risk of harm to human health under the contemplated residential use scenario.

## **Specifications of Site AUL**

1. **Activities and Uses Consistent with the AUL Opinion.** This AUL Opinion provides that a condition of No Significant Risk to human health, safety, public welfare and the environment exists for any foreseeable period of time (pursuant to 310 CMR 40.0000) so long as any of the following activities and uses occur on the Portion of the Property:
  - (i) Commercial and industrial activities and uses which do not cause and/or result in direct contact with, disturbance of, and/or relocation of, the petroleum-contaminated soil and/or direct contact with groundwater currently located at depths of 4 to 13 feet below surface grade;
  - (ii) Landscaping and routine maintenance of landscaped areas which do not cause and/or result in direct contact with, disturbance of, and/or relocation of, the petroleum-contaminated soil and/or groundwater currently located at depths of 4 to 13 feet below surface grade;
  - (iii) Soil intrusive activities associated with underground utility and/or construction work, landscaping, and routine maintenance of landscaped areas which is likely to disturb petroleum-contaminated soil and/or groundwater between 4 to 13 feet below surface grade provided that it is conducted in accordance with a Soil Management Plan (SMP) and Health and Safety Plan (HASP) prepared and implemented in accordance with Obligation (i) and (ii) of this Opinion prior to the commencement of such activity;
  - (iv) Such other activities or uses which, in the Opinion of an LSP, shall present no greater risk of harm to health, safety, public welfare, or the environment than the activities and uses set forth in this paragraph; and
  - (v) Such other activities and uses not identified as being Activities and Uses inconsistent with the AUL.
  
2. **Activities and Uses Inconsistent with the AUL Opinion.** Activities and uses which are inconsistent with the objectives of the AUL, and which, if implemented at the Portion of the Property, may result in a significant risk of harm to health, safety, public welfare, or the environment or in a substantial hazard, are as follows:
  - (i) Use of the Portion of the Property as a residence, school, nursery, daycare or recreational facility without a LSP Evaluation Opinion that such use is consistent with maintaining a Condition of No Significant Risk;
  - (ii) Soil intrusive activities including, but not limited to, excavation that is likely to disturb petroleum-impacted soil and/or groundwater located between 4 to 13 feet below surface grade

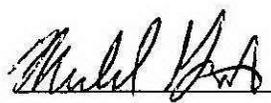
without the prior development and implementation of a SMP and HASP in accordance with Obligations (i) and (ii) of this Opinion; and

(iii) Any other activities and/or uses which are likely to disturb contaminated soil in a manner that would make it significantly more accessible without prior development of a SMP and a HASP in accordance with Obligations and Conditions enumerated below.

3. **Obligations and Conditions Set Forth in the AUL Opinion.** Obligations and/or conditions to be undertaken and/or maintained at the Portion of the Property to maintain a condition of No Significant Risk as set forth in the AUL Opinion shall include the following:

(i) A Soil Management Plan must be prepared by an LSP and implemented prior to the commencement of any activity that is likely to disturb the contaminated soil and/or groundwater located between 4 to 13 feet below surface grade. The Soil Management Plan should describe appropriate soil excavation, handling, storage, transport, and disposal procedures required when handling soils in the Portion of the Property. The Soil Management Plan should be developed to be sufficiently protective of human health consistent with the provisions of the Massachusetts Contingency Plan and must incorporate the provisions of the HASP described in Obligation (ii) below. On-site workers must be informed of the requirements of the Soil Management Plan, and the plan must be available on-site throughout the course of the project.

(ii) A Health and Safety Plan must be prepared by an Industrial Hygienist or other qualified individual sufficiently trained in worker health and safety requirements and implemented prior to the commencement of any activity which is likely to disturb contaminated soil between 4 and 13 feet below surface grade. The plan should clearly describe the location of the contaminated soil and specifically identify the types of personnel protective equipment, monitoring devices, and/or engineering controls necessary to protect the workers. Workers who may come in contact with contaminated soil within the Portion of the Property must be informed of the location of the contamination and the requirements of the HASP. The plan must be available on-site throughout the course of the project.

  
Signature  
Michael Gitten, LSP

  
Date

Seal

