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I, Nancy Danello, Town Clerk Franklin, Mass.
do hereby certify that no appeal has been received
since the decision of the ZBA
Board, or during the twenty day appeal period.

Attest: N. Danello
Date: 8/30/22

Town of Franklin



Zoning Board of Appeals
Municipal Building

TOWN OF FRANKLIN
TOWN CLERK
2022 MAY -4 P 2:26
RECEIVED

Mrs. Nancy Danello
Municipal Building
355 East Central St.
Franklin, MA 02038

Re: Applicant; Dean Development Partners LLC is seeking to construct a mixed use building that needs a Special Permit or Variance for up to 50' in height. Needs a Special Permit to demolish a preexisting non-conforming building and reconstruct. Needs a Special Permit or Variance to waive the 15' setback on frontage. Needs a Special Permit or Variance to construct residential units 1/2 story above street level. Variance or other relief to allow usage without off street parking. Needs Variance, Special Permit or other relief to reduce rear setback to 1.2' where 15' is required. The building permit is denied without a Special Permit and or a Variance from the ZBA at 19 Dean Ave.

Hearing No ZBA110305

DETAILED RECORD AND DECISION

May 4, 2022

Franklin Board of Appeals, hereby certifies that the following is a detailed record of the board's proceedings and decision regarding the above captioned application regarding the property located at Map="279" and Lot="169-000-000" which property is affected by this decision.

The above captioned application requests a Special Permit under Massachusetts General Laws Chapter 40A, Section 9, Town of Franklin Bylaw ("Bylaw") Article V 185-18 (A)(3) Attachment 9. Article 1V 185-10 Attachment 9, Footnote 9. Article 111 185-7, Attachment 7, Section 6.1, Footnote 5. Article V 185-21 of the Town of Franklin Code, at 19 Dean Ave.

A true copy of the application is on file in the Clerk's Office.

A notice of public hearing on this application, a true copy of which is on file in the Office of the City Clerk was:

1. Published in the Milford Daily News, a newspaper of general circulation in the Town of Franklin on July 22, 2021 and July 29, 2021.
2. Posted in a conspicuous place in the Town of Franklin on July 14, 2021 which was at least 14 days prior to the hearing; and
3. Mailed, postpaid on July 14, 2021 which is at least 14 days before the hearing to the Petitioner, abutters, owners of land directly opposite the property in question on any public Or private street or way, abutters to abutters within 300 feet of the subject property, the Planning boards of the abutting towns. The notice was mailed to the names and addresses Shown on the most recent tax list provided by the assessor's office.

A True Copy of the Record

ATTEST: Nancy Danello
Town Clerk, Franklin, MA

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The public hearing was opened remotely or in person on August 5, 2021 at 7:30 PM at which time opportunity was given to all those interested to be heard in favor or opposition to the application.

In addition to the Application and Plans, the following documents were received by the ZBA relative to the Application:

1. Letter with signatures dated August 5, 2021 in support of Dean Development Partners LLC
2. Letter dated September 2, 2021 in denial of 19 Dean Ave by Margaret C. Ranieri, Trustee
3. Letter from Madoff & Khoury LLP dated November 30, 2021 to remove the request under Article V, Section 185-21 of the Franklin Zoning Bylaw for a Variance to remove the requirement for off-street parking dedicated to the project.
4. Letter from Madoff & Khoury LLP dated January 11, 2022 to remove: Article V, Section 185-21 of the Franklin Zoning Bylaw for a Variance to remove request for off street parking (originally submitted to Board under the letter dated November 30, 2021) and removal of the Applicant's Request under Article III, Section 185-7, Attachment 7, Section 6.1, Footnote 5, Special Permit or Variance to Allow 16 Residential Units Built above Garden level commercial unit, one half-story above street level.
5. Letter dated January 20, 2022 in support of Dean Development Partners LLC by Rick Costa, President at New Boston Construction Services LLC
6. Letter dated January 24, 2022, Town Drainage Connections by Robert Cantoreggi, Public Works Director at Town of Franklin
7. Letter from Madoff & Khoury LLP dated April 19, 2022 request to remove a Variance request for off-street parking (originally submitted to Board under the letter dated November 30, 2021) and a Special Permit or Variance to Allow 16 Residential Units Built above Garden level commercial unit, one half-story above street level.

Motion made by Philip Brunelli to close the public hearing. Motion seconded by Robert Acevedo. Discussion: Chair Hunchard stated that no matter what the ZBA does, the applicant still has to go to the Planning Board for site plan approval and the Building Commissioner for a building permit. ZBA is just one step in the process. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

The public hearing was closed April 21, 2022.

Based on the evidence and testimony presented remotely at the public hearing and the documents included with the application, the Zoning Board of Appeals entertained a motion to:

A True Copy of the Record

ATTEST: Nancy Danella
Town Clerk, Franklin, MA