

TOWN OF FRANKLIN
ZONING BOARD OF APPEALS

Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

RECEIVED
TOWN OF FRANKLIN

AUG 09 2021

ZONING BOARD OF APPEALS

TOWN OF FRANKLIN
TOWN CLERK

2021 AUG -9 A 11:58

ZBA APPLICATION FORM

GENERAL INFORMATION

RECEIVED

The undersigned hereby petitions the Zoning Board of Appeals for the following:

Special Permit: _____ Variance: X Appeal: _____
Denise DePedro Trustee of 834-836 West Central Realty Trust
PETITIONER: and 840-842 West Central Realty Trust
PETITIONER'S ADDRESS: 18 Colt Road, Franklin PHONE: 508-954-2549
LOCATION OF PROPERTY: 834-842 West Central Street
TYPE OF OCCUPANCY: Commercial ZONING DISTRICT: Business
ASSESSORS MAP & PARCEL: 271-017-000-000

REASON FOR PETITION:

_____ Additions _____ New Structure
X Change in Use/Occupancy _____ Parking
_____ Conversion to Addi'l Dwelling Unit's _____ Sign
_____ Dormer _____ Subdivision
_____ Other: _____

DESCRIPTION OF PETITIONER'S PROPOSAL:

See attached narrative

SECTIONS OF ZONING ORDINANCE CITED:

Article 185 Section 7-Use Regulation Schedule Part VI, 6.1
Article _____ Section _____
Article _____ Section _____

Applicants for a Variance must complete Pages 1-5
Applicants for a Special Permit must complete Pages 1-4 and 6
Applicants for an Appeal to the ZBA pursuant to Zoning Bylaw section 185-45 (D)
must attach a statement concerning the reasons for the appeal

Original Signature(s): Denise DePedro, Trustee
(Petitioner(s)/Owner)
Denise DePedro
(Print Name)

Address: 18 Colt Road, Franklin, MA 02038

Tel. No.: 508-954-2549

E-Mail Address: denise.pdepedro@aol.com

Date: 7/7/2021

TOWN OF FRANKLIN ZONING BOARD OF APPEALS

Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

ZBA APPLICATION FORM

DIMENSIONAL INFORMATION

Denise DePedro Trustee of 834-836 West Central Realty Trust and
APPLICANT: 840-842 West Central Realty Trust PRESENT USE/OCCUPANCY: Residential

LOCATION: 834-842 West Central Street ZONE: Business

PHONE: 508-954-2549 REQUESTED USE/OCCUPANCY: Residential

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>	
<u>Lot Area:</u>	<u>27,882</u>	<u>27,882</u>	<u>20,000</u>	(min.)
<u>Continuous Frontage:</u>	<u>152.5</u>	<u>152.5</u>	<u>125</u>	(min.)
<u>Size of Lot:</u>	<u>Width</u>	<u>152</u>	<u>152</u>	<u>112.5</u> (min.)
	<u>Depth</u>	<u>316+/-</u>	<u>316+/-</u>	<u>160</u> (min)
<u>Setbacks in Feet:</u>	<u>Front</u>	<u>12.3</u>	<u>22.5</u>	<u>40</u> (min.)
	<u>Rear</u>	<u>163.3</u>	<u>112.7</u>	<u>30</u> (min.)
	<u>Left Side</u>	<u>8</u>	<u>8.1</u>	<u>20</u> (min.)
	<u>Right Side</u>	<u>86.9</u>	<u> </u>	<u>20</u> (min.)
<u>Building Height:</u>	<u>Stories</u>	<u>2</u>	<u>4</u>	<u>3</u> (max.)
	<u>Feet</u>	<u>30+/-</u>	<u>49+/-</u>	<u>40</u> (max.)
<u>NO. of Dwelling Units:</u>	<u> </u>	<u>8</u>	<u> </u>	(max.)
<u>NO. of Parking Spaces:</u>	<u> </u>	<u>27</u>	<u> </u>	(min./max)

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.

See attached narrative

TOWN OF FRANKLIN
ZONING BOARD OF APPEALS

Municipal Building
355 East Central Street
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508-520-4926

ZBA APPLICATION FORM - OWNERSHIP INFORMATION

To be completed by OWNER, signed and returned to the Secretary of the Zoning Board of Appeals.

I/We Denise DePedro Trustee of 834-836 West Central Street Trust and
840-842 West Central Street Trust ^(OWNER)
Address: 18 Colt Road, Franklin, MA 02038

State that I/We own the property located at 834-842 West Central Street,
which is the subject of this zoning application.

The record title of this property is in the name of Denise Paduka Trustee
of 834-836 West Central Realty Trust

*Pursuant to a deed of duly recorded in the date 4/20/1989, Norfolk
County Registry of Deeds at Book 8292, Page 629; or
Dedham Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

Denise P. DePedro, Trustee
SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

Municipal Building
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ZBA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH ZONING BYLAW SECTION 185-45 (D) (2) (6) AND MGL 40A, SECTION 10:

- A) A Literal enforcement of the provisions of this Zoning bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

Commercial office space is no longer desirable or in need as it was in the past. The pandemic caused a "work from home" condition that has reduced the need for office space causing substantial financial hardship on the applicant finding tenants to occupy the space.

- B) The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

The hardship is owing to the proposed use of professional office space in today's "work from home" condition. The site is located less than a mile from Residential VI and Single Family IV zoning; great commuter location for residents; close to 495 and 10 minutes to commuter rail; as well as close proximity to local dining and shopping which can be an ideal location for the proposed residential use. Lastly, the previous structures onsite were utilized for residential use.

- C) Desirable relief may be granted without either:

- 1) Substantial detriment to the public good for the following reasons:

No substantial detriment to the public good is anticipated. This area of Town is within close proximity to other residential neighborhoods as well as local business.

- 2) Nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw for the following reasons:

Although the area is zoned Business, a residential use is anticipated to benefit the area as opposed to nullifying or substantially derogating from the intent or purpose of this zoning bylaw. The proposed change to allow up to 8 residential units within the same footprint previously approved for 8 office units improves the appearance and existing conditions of the property significantly as well as minimizes the potential for longterm vacancies as housing is considered more desirable.

If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with your own attorney.

**Variance Request Project Narrative
Zoning Board of Appeals
834-836 and 840-842 West Central Street
Franklin, Massachusetts
Date: July 16, 2021**

ZBA Application Form: General Information (Page 1)

Description of Petitioner's Proposal:

The proposed project received site plan approval by the Franklin Planning Board plans entitled "Site Plan for Professional Office Building 834-836 West Central Street" prepared by Guerriere & Halnon, Inc. and endorsement by the Franklin Planning Board on April 8, 2019. The petitioner is proposing to change the previously approved use from professional office to multi-family or apartment residential use in a Business District, which is otherwise prohibited, through a variance request with the Zoning Board of Appeals. The petitioner is planning to maintain the intent of the original site plan approval and no other site modifications are proposed.

As previously approved, the proposed site will consist of a 4-story building for up to 8 residential units instead of office space. Additional activities will consist of constructing a 27-space parking area and associated utilities, which are considered adequate for the proposed use.

ZBA Application Form: Dimensional Information (Page 3)

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.:

The site previously consisted of two residential buildings similar to the proposed projects request to change the use from professional office to multifamily or apartment residential use.

8292

629

2/ 30068

2500

QUITCLAIM DEED

J. RAMON GUZMAN of Franklin, Norfolk County, Massachusetts, for consideration paid and in full consideration of less than \$100.00 and a certain agreement dated April 10, 1989, grants to DENISE R. PADULA, TRUSTEE of 834-836 WEST CENTRAL STREET REALTY TRUST, under a written Declaration of Trust dated April 20, 1989, to be recorded with Norfolk County Registry of Deeds herewith, of 66 Main Street, Franklin, Massachusetts, with QUITCLAIM COVENANTS, the following described premises:

The land in Franklin, Norfolk County, Massachusetts, with the buildings thereon situated on the southeasterly side of West Central Street, in a village known as Unionville (the dwelling house being a two-family brick building and being designated by the number 834-836), bounded and described as follows:

Beginning at a point in the southeasterly line of said street, said point being 87.5 feet easterly from a stone bound (buried two feet) which marks the property line between Brookdale Mills (a stone mill) and M. A. & W. Street Railway Company; thence continuing southeasterly along the southerly line of said street, sixty-five (65) feet to a point; thence turning an angle of 90° and running a southwesterly direction ninety-one (91) feet to a point; thence N. 44° 46' W. fifty-eight and 5/10 (58.5) feet to a point; thence deflecting to the right thirty (30) feet; thence turning northeasterly sixty-one and 5/10 (61.5) feet to the point of beginning.

Containing .14 acres.

For a further description see plan entitled "Milford, Attleboro & Woonsocket Street Railway Co., plan of property in the vicinity of Unionville Car Barn, Franklin, Mass., dated December 1924, prepared by C. E. Adamson, Engr.", recorded with Norfolk Deeds as Plan No. 147 of 1925.

Together with and subject to a right of way set forth in deed of Russell A. Richard et al to Edith H. Whitney, recorded with Norfolk Deeds, Book 1911, Page 441.

Property Address: 834-836 West Central Street, Franklin, MA 02038

RECORDED
EX-127629
MAY 1 1989
NOTARY PUBLIC
FRANKLIN, MASS.

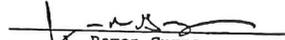
RECEIVED RECORDED
1989 APR 20 PM 1:35

REGISTRY
BOARD OF ASSESSORS
FRANKLIN, MA

630

Being a portion of the premises conveyed to grantor by deed of John D. Vozzella et al dated December 9, 1987, recorded with Norfolk County Registry of Deeds, Book 7827, Page 264.

WITNESS my hand and seal this 20th day of April, 1989.


J. Ramon Guzman

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

April 20, 1989

Then personally appeared the above-named J. Ramon Guzman and acknowledged the foregoing instrument to be his free act and deed, before me


Neil J. Roche, Notary Public

My commission expires: May 11, 1995

1179R



HAND TO
LAND COURT

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

Doc:1,416,784 02-13-2019 10:48
Norfolk County Land Court

CERTIFY
William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER
OFFICIAL

Bk 34609 Pg 337 #10787
02-13-2019 @ 10:54a
A N

OFFICIAL

AMENDED GRANT OF EASEMENT

I, Julie A. Evans, Trustee of Brookdale Mill Trust u/d/t dated November 23, 2003 and registered in the Norfolk Registry District of the Land Court as Document No. 1,018,335, of Franklin, Norfolk County, Massachusetts 02038, for consideration paid of one dollar (\$1.00), the receipt of which is hereby acknowledged, grant to Denise R. DePedro, f/k/a Denise R. Padula, Trustee of the 834-836 West Central Street Realty Trust u/d/t dated April 20, 1989 and recorded with the Norfolk County Registry of Deeds in Book 8292, Page 613, of 18 Colt Road, Franklin, Norfolk County, Massachusetts 02038,

The following easement:

1. Access Easement "F" containing 2,464 S.F., more or less, of land.

As shown on a plan entitled "Easement Plan of Land for the Brookdale Mill in Franklin, MA" dated September 29, 2004 and drawn by Guerriere & Halnon, Inc. filed with said Registry District with Document No. 1,044,022.

Grantee shall be responsible for construction, maintenance, and the repair of the above described easement.

For grantee's title, see deed recorded with said Registry of Deeds in Book 8292, Page 629.

For grantor's appointment and acceptance, see the documents registered in said Registry District as Document No.'s 1,399,182 and 1,399,183.

This grant of easement is made to correct a typographical error in the Grant of Easement dated November 15, 2004 and registered in said Registry District as Document No. 1,056,256 wherein said easement is erroneously described as "Access Easement 'II'" and to confirm the grantor's immediate predecessor Trustee's intent to grant the access easement described above as Access Easement "F".

NOT AN OFFICIAL COPY Executed as a sealed instrument this 23rd day of January, 2019. NOT AN OFFICIAL COPY

Julie A. Evans, Trustee
Julie A. Evans, Trustee,
Brookdale Mill Trust

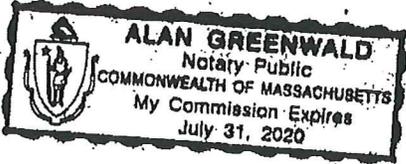
COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

January 23, 2019

On this 23rd day of January, 2019, before me, the undersigned notary public, personally appeared Julie A. Evans, proved to me through satisfactory evidence of identification, which were personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose, as Trustee of Brookdale Mill Trust.

Alan Greenwald
_____, Notary Public
My Commission Expires:



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 PARCEL 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 payment and submission of the form for the Assessors office to complete the processing of your request.

Date of Request 7 / 16 / 2021

Assessors Parcel ID # (12 digits) 271 - 017 - 000 - 000

Property Street Address 834-842 West Central 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 Denise Depedro Trustee of 834-836 West Central Realty Trust and 840-842 West Central Street Realty Trust

Property Owner's Mailing Address 18 Colt Road

Town/City Franklin State MA Zip Code 02038

Property Owner's Telephone # 508 - 954 - 2549

Requestor's Name (if different from Owner) Guerriere & Halnon, Inc.
c/o Amanda Cavaliere

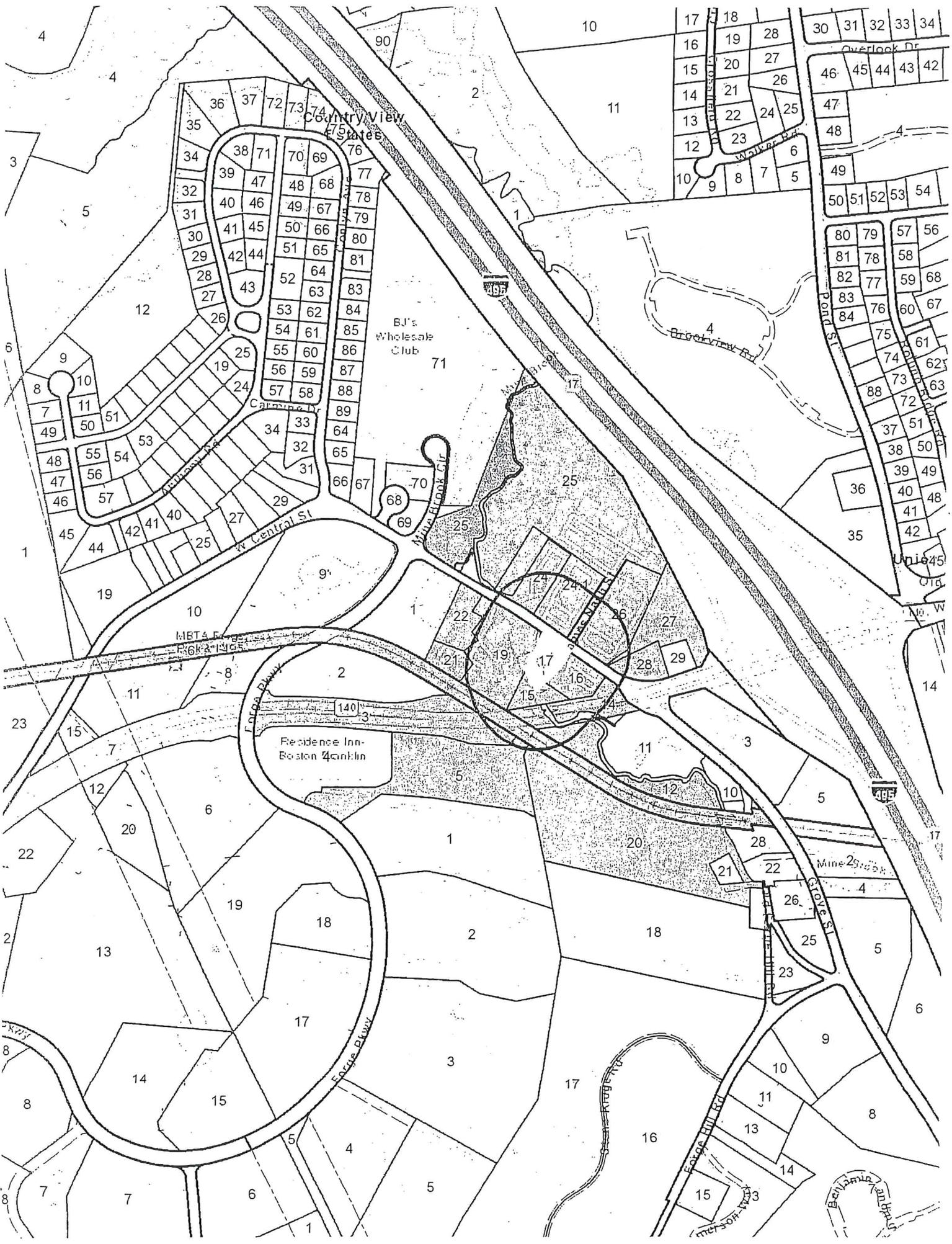
Requestor's Address 55 West Central Street, Franklin

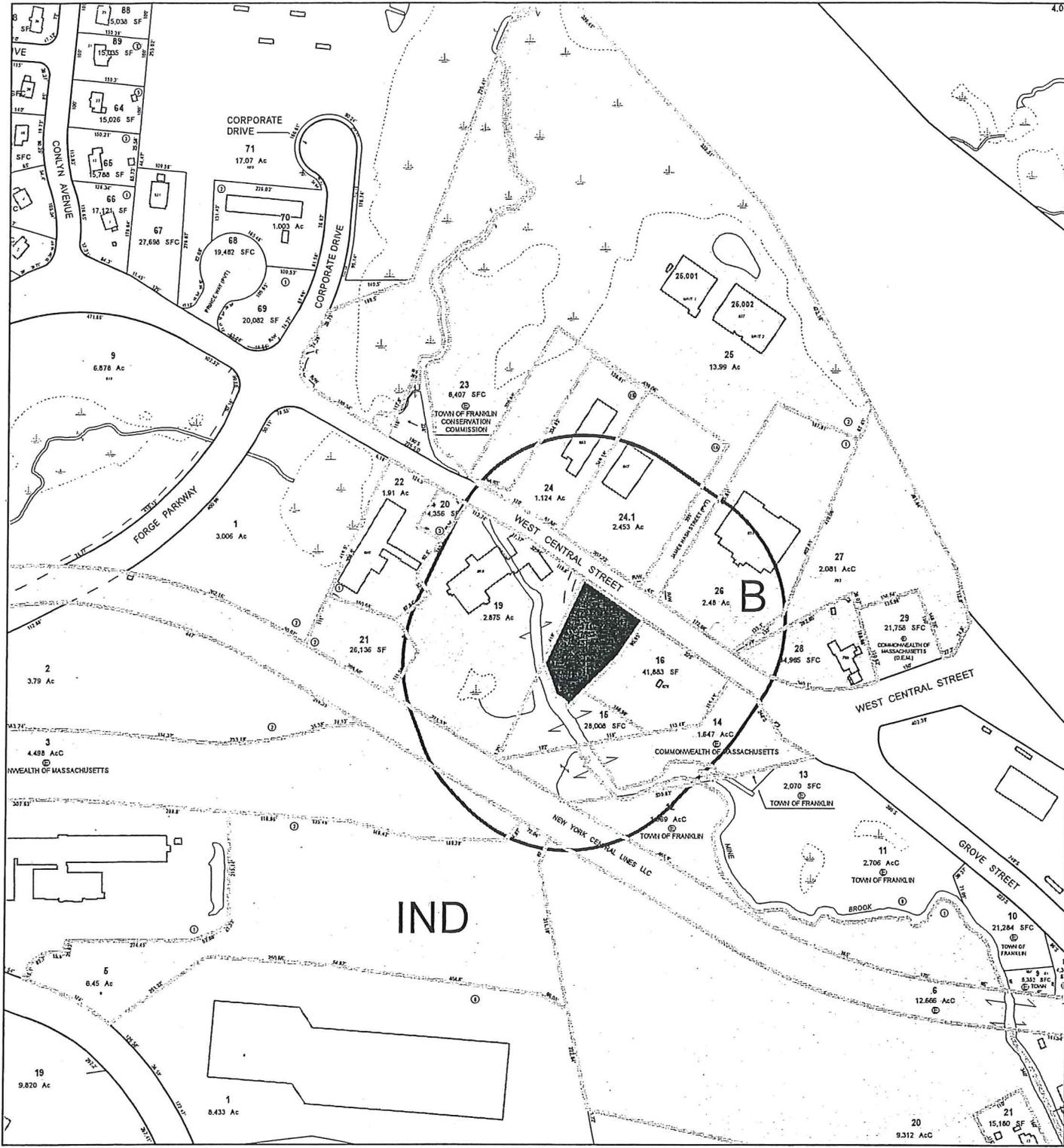
Requestor's Telephone # 508 - 528 - 3221

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

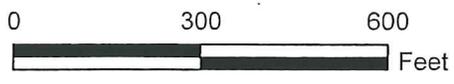
Paid by Check \$ Check # Town Receipt #

RETURN TO LEEANNE





834-836 WEST CENTRAL ST - 300' ABUTTERS
 Town of Franklin



7/17/2021

300' Abutters List Report

Franklin, MA
July 17, 2021

Subject Parcel:

Parcel Number: 271-017-000
CAMA Number: 271-017-000-000
Property Address: 834 WEST CENTRAL ST

Mailing Address: DEPEDRO, DENISE R TR 834-836 W C/O
DIANE PADULA
23 SPRUCE POND ROAD
FRANKLIN, MA 02038

Abutters:

Parcel Number: 271-006-000
CAMA Number: 271-006-000-000
Property Address: GROVE ST

Mailing Address: NEW YORK CENTRAL LINES LLC C/O
CSX TRANSPORTATION INC TA
500 WATER ST (C 910)
JACKSONVILLE, FL 32202

Parcel Number: 271-012-000
CAMA Number: 271-012-000-000
Property Address: WEST CENTRAL ST

Mailing Address: FRANKLIN TOWN OF
355 EAST CENTRAL STREET
FRANKLIN, MA 02038

Parcel Number: 271-014-000
CAMA Number: 271-014-000-000
Property Address: WEST CENTRAL ST

Mailing Address: COMMONWEALTH OF MASSACHUSETTS
HIGHWAY DEPARTMENT
10 PARK PLAZA
BOSTON, MA 02116

Parcel Number: 271-015-000
CAMA Number: 271-015-000-000
Property Address: WEST CENTRAL ST

Mailing Address: FORGE PARK REALTY TRUST C/O
NATIONAL DEVELOPMENT
2310 WASHINGTON ST
NEWTON LOWER FALLS, MA 02462

Parcel Number: 271-016-000
CAMA Number: 271-016-000-000
Property Address: 828 WEST CENTRAL ST

Mailing Address: UNIONVILLE GS LLC C/O RETAIL
BUSINESS SERVICES
PO BOX 6500 STOP & SHOP TENANT
CARLISLE, PA 17013

Parcel Number: 271-017-000
CAMA Number: 271-017-000-000
Property Address: 834 WEST CENTRAL ST

Mailing Address: DEPEDRO, DENISE R TR 834-836 W C/O
DIANE PADULA
23 SPRUCE POND ROAD
FRANKLIN, MA 02038

Parcel Number: 271-019-000
CAMA Number: 271-019-000-000
Property Address: 860 WEST CENTRAL ST

Mailing Address: BROOKDALE MILL REALTY LLC
860 WEST CENTRAL ST
FRANKLIN, MA 02038

Parcel Number: 271-020-000
CAMA Number: 271-020-000-000
Property Address: WEST CENTRAL ST

Mailing Address: WISE FREDERICK R L
880 WEST CENTRAL ST
FRANKLIN, MA 02038

Parcel Number: 271-021-000
CAMA Number: 271-021-000-000
Property Address: WEST CENTRAL ST

Mailing Address: WISE FREDERICK R L
880 WEST CENTRAL ST
FRANKLIN, MA 02038

Parcel Number: 271-022-000
CAMA Number: 271-022-000-000
Property Address: 880 WEST CENTRAL ST

Mailing Address: WISE FREDERICK R L
880 WEST CENTRAL ST
FRANKLIN, MA 02038

www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

300' Abutters List Report

Franklin, MA

July 17, 2021

Parcel Number: 271-024-000 CAMA Number: 271-024-000-000 Property Address: 855 WEST CENTRAL ST	Mailing Address: OXFORD REALTY & TRUST LLC 5 CEDAR ST #607 HOPKINTON, MA 01741
Parcel Number: 271-024-001 CAMA Number: 271-024-001-000 Property Address: 847 WEST CENTRAL ST	Mailing Address: VENDETTI EDMUND C JR TR VENDO REALTY TRUST PO BOX 1264 ONSET, MA 02558
Parcel Number: 271-025-000 CAMA Number: 271-025-000-002 Property Address: 835 WEST CENTRAL ST	Mailing Address: ABL REALTY LLC PO BOX 179 SHELDONVILLE, MA 02070
Parcel Number: 271-025-000 CAMA Number: 271-025-000-000 Property Address: 837 WEST CENTRAL ST	Mailing Address: MARTIN WILLIAM C TR SPECTRUM REALTY TRUST KLAUCKE, 490 SHREWSBURY ST WORCESTER, MA 01604
Parcel Number: 271-025-000 CAMA Number: 271-025-000-001 Property Address: 837 WEST CENTRAL ST	Mailing Address: XINGFU REALTY LLC 837 WEST CENTRAL ST UNIT 1 FRANKLIN, MA 02038
Parcel Number: 271-026-000 CAMA Number: 271-026-000-000 Property Address: 831 WEST CENTRAL ST	Mailing Address: LAMBIE PAMELA ANN TR WEST CENTRAL REALTY TRUST 109 HAVERHILL ST N READING, MA 01864
Parcel Number: 271-027-000 CAMA Number: 271-027-000-000 Property Address: 783 WEST CENTRAL ST	Mailing Address: RANIERI MARGARET & C R MILLER RANIERI TRUST PO BOX Q FRANKLIN, MA 02038
Parcel Number: 271-028-000 CAMA Number: 271-028-000-000 Property Address: 789 WEST CENTRAL ST	Mailing Address: JOHNSTON JAMES C JR 789 WEST CENTRAL ST FRANKLIN, MA 02038
Parcel Number: 272-003-000 CAMA Number: 272-003-000-000 Property Address: FORGE PKWY	Mailing Address: COMMONWEALTH OF MASSACHUSETTS HIGHWAY DEPARTMENT 10 PARK PLAZA BOSTON, MA 02116
Parcel Number: 272-005-000 CAMA Number: 272-005-000-000 Property Address: 6 FORGE PKWY	Mailing Address: DONEGAL LLC P O BOX 4430 MANCHESTER, NH 03108
Parcel Number: 276-020-000 CAMA Number: 276-020-000-000 Property Address: GROVE ST	Mailing Address: MARGARET C RANIERI TR CATHERIN RANIERI TRUST 59 PLEASANT ST FRANKLIN, MA 02038

Kevin M. Doyle, 7-17-2021

www.cai-tech.com

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NEW YORK CENTRAL LINES LL
C/O CSX TRANSPORTATION IN
500 WATER ST (C910)
JACKSONVILLE, FL 32202

MARTIN WILLIAM C TR
SPECTRUM REALTY TRUST KLA
490 SHREWSBURY ST
WORCESTER, MA 01604

FRANKLIN TOWN OF
355 EAST CENTRAL STREET
FRANKLIN, MA 02038

ABL REALTY LLC
PO BOX 179
SHELDONVILLE, MA 02070

COMMONWEALTH OF MASSACHUS
HIGHWAY DEPARTMENT
10 PARK PLAZA
BOSTON, MA 02116

XINGFU REALTY LLC
837 WEST CENTRAL ST UNIT 1
FRANKLIN, MA 02038

FORGE PARK REALTY TRUST
C/O NATIONAL DEVELOPMENT
2310 WASHINGTON ST
NEWTON LOWER FALLS, MA 02462

LAMBIE PAMELA ANN TR
WEST CENTRAL REALTY TRUST
109 HAVERHILL ST
N READING, MA 01864

UNIONVILLE GS LLC
C/O RETAIL BUSINESS SERVI
PO BOX 6500 STOP & SHOP
TENANT
CARLISLE, PA 17013

RANIERI MARGARET & C R MI
RANIERI TRUST
PO BOX Q
FRANKLIN, MA 02038

DEPEDRO, DENISE R TR 834-
C/O DIANE PADULA
23 SPRUCE POND ROAD
FRANKLIN, MA 02038

JOHNSTON JAMES C JR
789 WEST CENTRAL ST
FRANKLIN, MA 02038

BROOKDALE MILL REALTY LLC
860 WEST CENTRAL ST
FRANKLIN, MA 02038

DONEGAL LLC
P O BOX 4430
MANCHESTER, NH 03108

WISE FREDERICK R L
880 WEST CENTRAL ST
FRANKLIN, MA 02038

MARGARET C RANIERI TR CAT
RANIERI TRUST
59 PLEASANT ST
FRANKLIN, MA 02038

OXFORD REALTY & TRUST LLC
5 CEDAR ST #607
HOPKINTON, MA 01741

VENDETTI EDMUND C JR TR
VENDO REALTY TRUST
PO BOX 1264
ONSET, MA 02558