

# **Earth Removal Application**

FOR  
**Panther Way – Senior Village**

LOCATED IN  
FRANKLIN, MASSACHUSETTS

PREPARED FOR  
Camford Property Group, Inc.  
37 East Central Street  
Franklin, MA

PREPARED BY  
UNITED CONSULTANTS, INC.  
850 FRANKLIN STREET, SUITE 11D  
WRENTHAM, MA. 02093

DATE: December 13, 2024

## Purpose

This report is offered in support of the application for Earth Removal for the “Site Plan – Panther Way – Senior Village” located in Franklin, Massachusetts.

## Existing Conditions

The site consists of three parcels of land that were combined. A building was constructed on a portion of the property. This building and associated parking and utilities will be situated on proposed Lot 1. The remainder of the lots will create Lot 2 with 15.02 acres. Lot 1 is serviced by town water and sewer. A stormwater system was constructed including catch basins, water quality units and two infiltration ponds. One infiltration pond is located underground and one is an open infiltration pond.

## Proposed Conditions

The proposed development will consist of the construction of 49 senior housing units and a mixed use building. The mixed use building will have a garage and outdoor vehicle parking areas. A storm-water system has been proposed for the site. This storm-water system will have catch basin and manholes for capturing and transporting the storm water. Additional water quality units will be included in line of the stormwater system to provide the required water quality treatment. Three underground infiltration ponds will also be constructed. A municipal water and sewer connection and utility connections are proposed for the site. The project will include a newly constructed driveway entrance from Panther Way. The project will require the excavation of approximately 104,500 Cubic Yards of earth material which will be exported from the site.

As require by the Town of Franklin Zoning Bylaw Section 185-23 we have completed the following responses:

### Section B. (1)

- (a) The site will be developed as shown of the site plans. Excavators, bulldozers, front end loaders and dump trucks will be utilized to complete the earth removal and site grading. The hours of operation will be from 7 am to 5 pm. Vehicles will traverse the site as necessary to complete the earth material removal operations. Equipment storage will be in the vicinity of proposed mix use building. The earth removal work is anticipated to take 6 months to complete.
- (b) Ledge removal is necessary and the contractor shall evaluate the use of hydraulic hammers to remove the ledge. If this is not feasible the contractor shall file and obtain all necessary permits from the Commonwealth of Massachusetts and the Town of Franklin. This will include obtaining all necessary permits from the Town of Franklin Fire Department. Boulders, tree stumps and other waste material will be disposed of off-site.
- (c) Test Pit data and locations can be found on the site plans existing conditions sheets.
- (d) The site is proposed to be developed as residential and mixed use commercial buildings. The site will have a stormwater system that has been designed to comply with the Town of ‘Massachusetts Department of Environmental Protection Stormwater Regulations and Standards.

### (e) Owners, Petitioner and Site Operator:

Owners: Panther Way 2019, LLC – 7 Myrtle Steet – Norfolk, MA 02056

Holmes Land Trust - 12 Myrtle Steet – Norfolk, MA 02056

Petitioner: Camford Property Group, LLC – 37 East Central Street – Franklin, MA 02038

Abutters: A certified list of abutters has been attached.

- (f) The intended use of the property is a residential and mixed use commercial.
- (g) Trucking routes are planned to exist the site onto Panther Way and head to Route 140.
- (h) The proposed erosion control methods are provided on the site plans. The project proponent will obtain a Town of Franklin Soil Erosion and Sedimentation Control Permit and will complete a SWPPP. Pre-development and Post-development drainage calculations have been provided in the Drainage Analysis.
- (i) The existing and proposed site elevations as well as test pit locations can be found on the site plans.
- (j) We anticipate the Zoning Enforcement Office will provide the Zoning Board of Appeals with a statement as to the existence of unexpired earth removal special permits applicable to the land that abuts the parcel of land from which the applicant seeks to remove material.

**ZBA Application – Page 1**

TOWN OF FRANKLIN  
ZONING BOARD OF APPEALS

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

ZBA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit: X Variance: \_\_\_\_\_ Appeal: \_\_\_\_\_

PETITIONER: Camford Property Group, Inc.

PETITIONER'S ADDRESS: 37 East Central Street Franklin, MA 02038

PHONE: 508-507-9020

LOCATION OF PROPERTY: West Central Street and Panther Way

TYPE OF OCCUPANCY: Senior Housing with Mixed Use Commercial

ZONING DISTRICT: Commercial II

ASSESSORS MAP & PARCEL: Map 270 Parcels 28, 38 and 39

REASON FOR PETITION:

<input type="checkbox"/> Additions	<input type="checkbox"/> New Structure
<input type="checkbox"/> Change in Use/Occupancy	<input type="checkbox"/> Parking
<input type="checkbox"/> Conversion to Addi'l Dwelling Unit's	<input type="checkbox"/> Sign
<input type="checkbox"/> Dormer	<input type="checkbox"/> Subdivision
<input checked="" type="checkbox"/> Other: <u>Earth Removal</u>	

DESCRIPTION OF PETITIONER'S PROPOSAL:

The petitioner is proposing to construct a 49 unit senior village development. The project will include a mixed use building with commercial tenants, a club house area and apartments.

To complete the project the petitioner will need to remove approximately 104,500 cubic feet of earth materials from the site.

SECTIONS OF ZONING ORDINANCE CITED:

Article V Section Section 185-23

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): \_\_\_\_\_  
(Petitioner(s)/Owner)

\_\_\_\_\_  
(Print Name)

Address: 37 East Central Street Franklin, MA 02038

Tel. No.: 508-507-9020

E-Mail Address: brad@camfordpg.com

Date: \_\_\_\_\_

Original Signature(s): *BRAD*  
(Petitioner(s)/Owner)

Brad - R. Hobbs  
(Print Name)

Address: 7 Myrtle Street Norfolk, MA 02056

Tel. No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Original Signature(s): *Richard T. Holmes*  
(Petitioner(s)/Owner)

Richard T. Holmes  
(Print Name)

Address: 12 Myrtle Street Norfolk, MA 02056

Tel. No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**ZBA Application – Page 3**

TOWN OF FRANKLIN  
ZONING BOARD OF APPEALS

Municipal Building  
355 East Central Street  
Franklin, MA 02038  
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 Panther Way 2019, LLC - Brian Holmes  
(OWNER)

Address: 7 Myrtle Street Norfolk, MA 02056

State that I/We own the property located at West Central Street and Panther Way Assessors Map 270 Parcel 38,  
which is the subject of this zoning application.

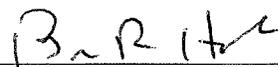
The record title of this property is in the name of Panther Way 2019, LLC

\*Pursuant to a deed of duly recorded in the date 10-29-2019, Norfolk

County Registry of Deeds at Book 37290, Page 474; or

Dedham Registry District of Land Court, Certificate No. \_\_\_\_\_

Book \_\_\_\_\_ Page \_\_\_\_\_.



SIGNATURE BY LAND OWNER OR  
AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

TOWN OF FRANKLIN  
ZONING BOARD OF APPEALS

Municipal Building  
355 East Central Street  
Franklin, MA 02038  
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 Holmes Land Trust - Richard Holmes  
(OWNER)

Address: 12 Myrtle Street Norfolk, MA 02056

State that I/We own the property located at West Central Street and Panther Way Assessors Map 270 Parcel 39, which is the subject of this zoning application.

The record title of this property is in the name of Holmes Land Trust

\*Pursuant to a deed of duly recorded in the date May 6, 1996, Norfolk

County Registry of Deeds at Book 11341, Page 545; or

Dedham Registry District of Land Court, Certificate No. \_\_\_\_\_

Book \_\_\_\_\_ Page \_\_\_\_\_.

*Richard T. Holmes*

\_\_\_\_\_  
SIGNATURE BY LAND OWNER OR  
AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

**ZBA Application – Page 4**

# TOWN OF FRANKLIN ZONING BOARD OF APPEALS

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

## ZBA APPLICATION FORM

### DIMENSIONAL INFORMATION

APPLICANT: Camford Property Group, Inc.  
PRESENT USE/OCCUPANCY: Lot 2 - Vacant  
LOCATION: West Central Street and Panther Way Map 270 Parcels 28, 38 and 39  
ZONE: Commercial II

PHONE: 508-507-9020  
REQUESTED USE/OCCUPANCY: Residential and Mixed use commercial

		<u>EXISTING</u> <u>CONDITIONS</u>	<u>LOT 2</u> <u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS<sup>1</sup></u>
<u>Lot Area:</u> (min.)		<u>800,948 +/-</u>	<u>654,484 +/-</u>	<u>40,000</u>
<u>Continuous Frontage:</u>		<u>722.56'</u>	<u>286.39'</u>	<u>175'</u> (min.)
<u>Size of Lot:</u> Width (min.)		<u>714' +</u>	<u>356' +</u>	<u>157.5'</u>
	Depth	<u>1,600'+</u>	<u>1,600'+</u>	<u>200'</u> (min)
<u>Setbacks in</u> <u>Feet:</u>	Front	<u>0</u>	<u>200'</u>	<u>40'</u> (min.)
	Rear	<u>0</u>	<u>61'</u>	<u>30'</u> (min.)
	Left Side	<u>0</u>	<u>30.5'</u>	<u>30'</u> (min.)
	Right Side	<u>0</u>	<u>32'</u>	<u>30'</u> (min.)
<u>Building Height:</u> Stories		<u>0</u>	<u>3</u>	<u>3</u> (max.)
	Feet	<u>0</u>	<u>35'</u>	<u>35'</u> (max.)

NO. of Dwelling Units: 49 (max.)

NO. of Parking Spaces: 56 exterior spaces at the mixed use commercial building. Garage parking will be provided in the mixed use building (refer to architectural plans for parking location and count) Each single or double residential unit will have a garage parking space and a driveway for parking. (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.

There are not any building on the subject property. (Lot 2) A building has been constructed on Lot 1.

The Lot 1 portion of the property is currently used as a bus business and office / storage.

The proposed houses will be constructed with wood. The proposed mixed use building will be constructed of wood, steel and concrete.

SEE FRANKLIN ZONING BYLAW ARTICLE 185, ATTACHMENT 9.

**ZBA Application – Page 6**



ZBA APPLICATION FORM  
SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria in accordance with Zoning Bylaw Section 185-45(D)(2)(a) referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits for which additional criteria must be met under the Zoning Bylaw.

185-45(D)(2)(A) BOARD OF APPEALS: TO HEAR AND DECIDE APPLICATIONS FOR SPECIAL PERMITS UPON WHICH THE BOARD IS EMPOWERED TO ACT UNDER THIS CHAPTER. SPECIAL PERMITS SHALL BE GRANTED BY THE BOARD OF APPEALS ONLY UPON ITS WRITTEN DETERMINATION THAT THE PROPOSED USE WILL NOT HAVE ADVERSE EFFECTS WHICH OVERBALANCE ITS BENEFICIAL EFFECTS ON EITHER THE NEIGHBORHOOD OR THE TOWN, IN VIEW OF THE PARTICULAR CHARACTERISTICS OF THE SITE AND OF THE PROPOSAL IN RELATION TO THAT SITE. THIS DETERMINATION SHALL BE IN ADDITION TO THE FOLLOWING SPECIFIC FINDINGS:

(1) Proposed project addresses or is consistent with neighborhood or Town need.

The proposed project will include 49 residential senior housing units. A mixed use building with residential and commercial units will also be included. Senior housing is in demand.

(2) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.

Refer to the traffic Impact Assessment by Tetra Tech regarding project traffic. Sidewalks and walking trails have been provided for pedestrians. Parking has been provided for the residential units and the mixed use building.

(3) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.

The proposed building located on the site will be connected to the town water and town sewer utilities which are currently located within the property frontage. Proposed utility connections are shown on the site plan.

(4) Neighborhood character and social structure will not be negatively impacted.

The property is located within the Commercial II zoning district. The property is bordered on the east by a car dealership to the south by retail stores and restaurants. The site is also bordered by residential condominiums which will provide for a connectivity to the proposed residential senior housing.

(5) Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication, or compensatory measures are adequate.

The site is not located within a mapped Natural Heritage and Endangered Species Area. There are not any mapped vernal pools located on the site.

(6) Number, height, bulk, location and siting of building(s) and structure(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.

The siting of the residential houses or the mixed use building when considering the elevation of the buildings, will not impact the light or air circulation of the abutting properties. The site storm-water system has been designed to meet the Town storm-water standards for rate and volume of discharge. No noise, odor, vibrations or airborne particulates are anticipated. It is anticipated that any potential impacts to the above items will be reviewed by the Planning Board in the future when tenants are applying for permits for the mixed use building.

(7) Water consumption and sewer use, taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.

The proposed residential units will contain a maximum of 3 bedrooms. The proposed tenants for the mixed use building have not been determined. It is anticipated that the proposed water and sewer uses will not be excessive and will be further reviewed by the Planning Board in the future when the tenants are applying for permits.

## **ZBA Application - Deed**



thence by land now or formerly of Cochrane two hundred and forty and 24/100  
(240.24) feet; <sup>N O T</sup> <sup>A N</sup> <sup>A N</sup>

thence by land now or formerly of Ribero two hundred and thirty-seven and 50/100  
(237.50) feet to a drill hole in a stone wall; <sup>O F F I C I A L</sup> <sup>C O P Y</sup>

thence by land now or formerly of Siegel in two courses N24°22'59"W fifty-one and  
39/100 (51.39) feet to a drill hole in a stone post and N30°44'53"E one hundred and  
fifteen and 21/100 (115.21) feet;

thence by Lot "B" S64°26'34"E one thousand two hundred and forty-three and 85/100  
(1243.85) feet;

thence by Lot "C" S31°13'30"W three hundred and twenty-seven and 39/100 (327.39)  
feet; and

thence by land now or formerly of Vendetti in four courses S31°13'30"W one hundred  
and eleven and 00/100 (111.00) feet, S32°43'20"W one hundred fifty-three and 00/100  
(153.00) feet, S39°28'20"W eighty-seven and 00/100 (87.00) feet and S43°05'10"W  
three hundred and forty-three and 53/100 (343.53) feet to the point of beginning.

Containing 19.59 acres all as shown on the aforementioned plan.

Lot "A" is subject to a forty (40) foot right of way access and egress to and from Lot  
"B" and to a forty (40) foot sewer easement in the same location as shown on the  
aforementioned plan.

**EXCEPTING THEREFROM:** The Premises conveyed to: (i) FNBC Realty  
Corporation by Deed of Richard T. Holmes, et al dated September 17, 1981 and  
recorded with the Norfolk County Registry of Deeds in Book 5924, Page 180; and (ii)  
the Town of Franklin Acceptance of Deed to Panther Way dated July 15, 1992 and  
recorded with said Registry in Book 9471, Page 640.

## **PARCEL II**

That certain parcel of land situated off the Northeasterly side of West Central Street  
in Franklin, Norfolk County, Massachusetts and being shown as Parcel A on a plan  
entitled "Knights of Columbus, 501 West Central Street, Plan of Land in Franklin,  
MA, Guerriere & Halnon, Inc. Engineering & Land Surveying, 38 Pond Street, Suite  
205, Franklin, Massachusetts 02038, dated February 18, 2000" said plan recorded with  
the Norfolk County Registry of Deeds as Plan 160 of 2000 in Plan Book 473.

Said parcel contains 146,798± S.F. (3.370± Acres) according to said plan.

For title see Deed of Richard T. Holmes, Trustee of RIOV Realty Trust dated  
September 16, 2019 and recorded with the Norfolk County Registry of Deeds in Book  
37152, Page 343; and Deed of Jennifer H. Herlin dated September 26, 2019 and  
recorded with said Registry in Book 37186, Page 455.

The undersigned Grantors certify that the within premises conveyed do not constitute homestead property and no one is entitled to an estate of homestead therein.

OFFICIAL OFFICIAL

NO TITLE SEARCH WAS PERFORMED IN CONNECTION WITH THIS TRANSFER

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

WITNESS our hands and seals this 29<sup>th</sup> day of NOVEMBER, 2019.

A N  
O F F I C I A L  
C O P Y

A N  
O F F I C I A L  
C O P Y  
[Signature]  
TIMOTHY D. HOLMES

[Signature]  
BRIAN R. HOLMES

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this 29<sup>th</sup> day of October, 2019, before me, the undersigned notary public, personally appeared TIMOTHY D. HOLMES and BRIAN R. HOLMES, as aforesaid, and proved to me through satisfactory evidence of identification which was personal knowledge, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

[Signature]  
Notary Public  
My Commission Expires:

#1023350



N O T QUITCLAIM DEED N O T

I, RICHARD T. HOLMES, Trustee of the HOLMES REALTY TRUST under declaration of trust dated August 30, 1984 and recorded with the Norfolk County Registry of Deeds at Book P 6505, Page 254 for consideration paid of \$1.00 grant to RICHARD T. HOLMES, Trustee of the HOLMES LAND TRUST under declaration of trust dated October 15, 1993 and recorded with the Norfolk County Registry of Deeds at Book 10165, Page 742 of 12 Myrtle Street, Norfolk, Norfolk County, Massachusetts with QUITCLAIM COVENANTS:

The land situated in Franklin, Norfolk County, Massachusetts, being shown as Lot 5 on a plan entitled "Plan of Land in Franklin, Mass." dated February 23, 1979 by William J. Rossetti, R.L.S., recorded with the Norfolk County Registry of Deeds as Plan #386 of 1979 in Plan Book 5602, Page 614 reference to which may be had for a more particular description.

Said Lot 5 contains 62,500 square feet of land, according to said plan.

Together with a right of way for all purposes for which public ways are commonly used in the Town of Franklin in common with others entitled thereto over the way shown as Access Road on said plan.

For grantor's title, see deed of Matthew D. Rockman, Trustee dated April 10, 1996 and recorded with the Norfolk County Registry of Deeds on April 16, 1996 as Instrument No. 38532, Book 11308, Page 369.

The consideration for this conveyance is such that no deed stamps are required.

WITNESS my hand and seal this 22 day of April, 1996.

Richard T. Holmes Trustee
Richard T. Holmes, Trustee

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

April 22, 1996

Then personally appeared the above-named Richard T. Holmes, Trustee and acknowledged the foregoing instrument to be his free act and deed, before me

Notary Public DANIEL J. GILMORE
My commission expires: 2/27/98



RECORDED
NORFOLK COUNTY REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

39812

Barry T. Hannon
BARRY T. HANNON, REGISTER

Lot 5, Panther Way, Franklin, MA

96 MAY -6 PM 2:11

NORFOLK COUNTY