

TOWN OF FRANKLIN
INSPECTION DEPARTMENT
Building Inspection – Division of Wires – Division of Gas
Division of Plumbing
MUNICIPAL BUILDING – 355 East Central Street
Franklin, Massachusetts 02038

Lloyd (Gus) Brown
Building Commissioner

Telephone: 508-520-4926
FAX: 508-520-4906

ZONING REVIEW

APPLICANT: Franklin Flex Space, LLC

LOCATION: 275 Washington Street

ZONING DISTRICT: Industrial

TYPE OF PROJECT: Earth Removal

DATE: 10/08/2024 **DENY**

SPECIAL PERMIT

ZONING BY LAW SECTIONS: 185-23A.(2)(d)

REASON FOR DENIAL: Applicant is seeking to conduct earth removal in excess of 1,000 cubic yards. The building permit is denied without a Special Permit from the ZBA.

APPEAL OF DENIAL OPTIONS:

ZONING BOARD OF APPEALS

APPLICANT SIGNATURE _____ **DATE**

ZONING OFFICIAL SIGNATURE LAB 10/08/2024
_____ **DATE**

RECEIVED
TOWN OF FRANKLIN

OCT 08 2024

ZONING BOARD OF APPEALS **Earth Removal Application**

FOR
Washington Street

LOCATED IN
FRANKLIN, MASSACHUSETTS

PREPARED FOR
Franklin Flex Space, LLC
13 Clovelly Road
Wellesley, MA

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

DATE: September 19, 2024



Carlos A. Quintal
9/27/24

Purpose

This report is offered in support of the application for Earth Removal for the “Site Plan – Washington Street” located in Franklin, Massachusetts.

Existing Conditions

The site consists of four parcels of land that were combined to create a parcel with 6.15 acres of land. One of the four parcels was formerly a railroad right of way. The site currently has been partially developed with two buildings, utilities and parking areas provided. There is also a right of way located on the abutting property. There is an existing easement for the overhead power transmission lines that cross the site.

Proposed Conditions

The proposed development will consist of the construction of three buildings with vehicle parking areas. A storm-water system has been proposed for the site. This storm-water system will have catch basin, water quality units and three trench drains to capture the stormwater. 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 connection and utility connections are proposed for the site. A septic system will be provided. The project will utilize a single driveway entrance from Washington Street.

The project will require the excavation of an additional 8,000 Cubic yards of earth material which will be exported from the site. (12, 517 cubic yards were previously removed – se permit book 40376 page 249)

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 building 3. 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 waster 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 an industrial build with bays that will have office space, warehouse space and could be used for light manufacturing. 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) Owner, Petitioner and Site Operator:

Franklin Flex Space, LLC – 13 Clovelly Steet – Wellesley, MA 02481

Abutters: A certified list of abutters has been attached.

- (f) The intended use of the property is a mix of office, warehouse, and light manufacturing.
- (g) Trucking routes are planned to exist the site onto Washington Street heading south toward King Street. The trucks will then travel on King Street to Route 495.
- (h) The proposed erosion control methods are provided on the site plans. The project proponent has obtained a Town of Franklin Soil Erosion and Sedimentation Control Plan and an EPA filing. Pre-development and Post-development drainage calculations have been provided in the Drainage Analysis for the original submission.
- (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 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

TOWN OF FRANKLIN
TOWN CLERK

2024 OCT -8 P 2: 35

RECEIVED

RECEIVED
TOWN OF FRANKLIN

OCT 08 2024

ZONING BOARD OF APPEALS

ZBA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit: X Variance: _____ Appeal: _____

PETITIONER: Franklin Flex Space, LLC

PETITIONER'S ADDRESS: 13 Clovelly Road Wellesley, MA 02481

PHONE: 781-810-4800

LOCATION OF PROPERTY: Washington Street

TYPE OF OCCUPANCY: Office, Warehouse and Light Manufacturing

ZONING DISTRICT: Industrial

ASSESSORS MAP & PARCEL: Map 304 Parcel 64

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 three buildings each with a footprint of 15,960 sq. ft. The building will contain 9 bays each and will be used for office, warehouse and light manufacturing.

To complete the project the petitioner will need to remove approximately 8,000 cubic feet of earth materials from the site. The applicant has already removed 12,517 cubic yards under permit recorded in book 40376 page 249.

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)

Peter Genta
(Print Name)

Address: 13 Clovelly Road Wellesley, MA 02481

Tel. No.: 781-810-4800

E-Mail Address: pgenta@mpg-capital.com

Date: _____

Original Signature(s): _____
(Petitioner(s)/Owner)

(Print Name)

Address: _____

Tel. No.: _____

E-Mail Address: _____

Original Signature(s): _____
(Petitioner(s)/Owner)

(Print Name)

Address: _____

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 Franklin Flex Space, LLC (OWNER)

Address: 13 Clovelly Lane Wellesley, MA

State that I/We own the property located at 275 Washington Street
Assessors Map 304 Parcel 64,
which is the subject of this zoning
application.

The record title of this property is in the name of Franklin Flex Space, LLC

*Pursuant to a deed of duly recorded in the date 3-18-2022 and 325-2022,
Norfolk

County Registry of Deeds at Book 40370 and 40415, Page 268 and 5; or

Dedham Registry District of Land Court, Certificate No. _____

Book _____ Page _____.



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: Franklin Flex Space, LLC
PRESENT USE/OCCUPANCY: Commercial Rental units
LOCATION: Washington Street Map 304 Parcel 64
ZONE: Industrial

PHONE: 781-810-4800
REQUESTED USE/OCCUPANCY: Office, Warehouse and Light Manufacturing

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>
<u>Lot Area:</u> (min.)	<u>6.15+/-acres</u>	<u>6.15+/-acres</u>	<u>40,000</u>
<u>Continuous Frontage:</u>	<u>253.47'</u>	<u>253.47'</u>	<u>175'</u> (min.)
<u>Size of Lot:</u> Width (min.)	<u>137' +</u>	<u>137' +</u>	<u>157.5'</u>
Depth	<u>299.9'</u>	<u>299.9'</u>	<u>200'</u> (min)
<u>Setbacks in</u> <u>Feet:</u>			
Front	<u>100.0</u>	<u>100.0'</u>	<u>40'</u> (min.)
Rear	<u>0</u>	<u>0'</u>	<u>0'</u> (min.)
Left Side	<u>107.6'</u>	<u>107.6'</u>	<u>30'</u> (min.)
Right Side	<u>31</u>	<u>31'</u>	<u>30'</u> (min.)
<u>Building Height:</u> Stories	<u>0</u>	<u>1</u>	<u>3</u> (max.)
Feet	<u>0</u>	<u>22'</u>	<u>-</u> (max.)
<u>NO. of Dwelling Units:</u>	<u>0</u> (max.)		
<u>NO. of Parking Spaces:</u>	<u>144 spaces</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.

There are not any building on the subject property.

The property is currently vacant.

The proposed building will be constructed of 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 three proposed buildings and will include a parking area. The use of the building will be office, warehouse and light manufacturing which are allowed within the Industrial Zoning District.

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

The traffic generated from the proposed buildings will be directed to Washington Street and will travel southerly to King Street or northerly to Union Street. The design includes one access driveway curb cut on Washington Street to service the three buildings.

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

The proposed buildings located on the site will be connected to the town water and utilities which are currently located within the property frontage. Proposed utility connections are shown on the site plan. A septic system will be proposed and will be designed in accordance with Title V and the Town of Franklin Board of Health Regulations.

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

The property is located within the Industrial zoning district. The property is bordered on the east single family houses to the south by electric transmission lines to the west by a wetland and to the north by Interstate Route 495.

(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 three building as well as the height of the building in relation to the existing houses 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.

(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 tenants have not been determined. Based on office and warehouse uses the anticipated water use will be approximately 1,350 gallons per day. The site will be service by an onsite septic system.

ZBA Application - Deed

MASSACHUSETTS STATE EXCISE TAX

Norfolk Registry of Deeds

Date: 03-08-2022 @ 09:00am

Ctl#: 46

Doc#: 20761

Fee: \$1,368.00 Cons: \$300,000.00

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

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

DEED

JAMES A. COLACE, TRUSTEE OF THE ABBRUZZI REALTY TRUST,
under a Declaration of Trust dated January 11, 1999, recorded with the Norfolk County
Registry of Deeds in Book 13167, Page 490, having a mailing address of 55 Coutu Street,

for consideration paid and in full consideration of **THREE HUNDRED
THOUSAND AND 00/100 (\$300,000.00) DOLLARS**

FRANKLIN FLEX SPACE LLC, a Massachusetts Limited Liability Company
having an address of 13 Clovelly Road, Wellesley, Massachusetts,

with **Quitclaim Covenants**

Parcel One:

A certain parcel of land situated on the Northwesterly side of Washington Street, Franklin,
Norfolk County, Massachusetts, and shown as "FORMER NEW YORK NEW HAVEN
AND HARTFORD RAILROAD CO.," on a plan entitled, "Plan of Land in the Town of
Franklin, Norfolk County, Massachusetts," dated August 7, 2003, prepared by Guerriere
& Halnon, Inc., 38 Pond Street, Ste 206, Franklin, Mass. 02038," recorded with the Norfolk
County Registry of Deeds as Plan No. 472 of 2003 in Plan Book 511. Containing 103,810
square feet (2.38 acres) more or less, according to said plan. Reference to said plan may
be made for a more particular description of said parcel.

Parcel Two:

A certain parcel of land situated on the Northwesterly side of Washington Street and shown
as Parcel "B" on a plan entitled, "Compiled Plan of Land in Franklin, Mass.," dated May
10, 1991, prepared by William J. Rossetti, P.L.S., Franklin, Mass., recorded with said
Norfolk Deeds as Plan No. 160 of 1992, in Plan Book 404. Containing 2.5 acres, more or
less, according to said plan. Reference to said plan may be made for a more particular
description of said parcel.

Parcel Three:

A certain parcel of land situated on the Northwesterly side of Washington Street and shown
as Parcel "C" on a plan entitled, "Compiled Plan of Land in Franklin, Mass.," dated May
10, 1991, prepared by William J. Rossetti, P.L.S., Franklin, Mass., recorded with said
Norfolk Deeds as Plan No. 160 of 1992, in Plan Book 404. Containing 7,500 sq. ft., more
or less, according to said plan. Reference to said plan may be made for a more particular
description of said parcel.

Meaning and intending to convey and hereby conveying the same premises conveyed to
the grantor by deed dated March 18, 2021 and recorded in the Norfolk County Registry of
Deeds in Norfolk Country Registry of Deeds Book 39157, Page 493.

Property Address: Three Parcels of Land off Washington St., Franklin, MA 02038

EXECUTED as a sealed ^{N O T} instrument this 4th day of March, ^{N O T} 2022.

O F F I C I A L

O F F I C I A L

THE ABBRUZZI REALTY TRUST

C O P Y

by:

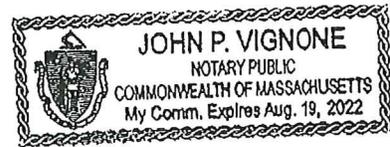
James Colace
JAMES A. COLACE, TRUSTEE

Commonwealth of Massachusetts

Norfolk, ss

On this 4th day of March, 2022, before me, the undersigned notary public, personally appeared JAMES A. COLACE, Trustee of THE ABBRUZZI REALTY TRUST, proved to me through satisfactory evidence of identification, being (check whichever applies): _____ *Driver's License or other state or federal governmental document bearing a photographic image*, _____ *Oath or Affirmation of a credible witness known to me who knows the above signatory*, or *My Own personal knowledge of the identity of the signatory*, 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.

John P. Vignone
John P. Vignone, Notary Public
My commission expires: 8/19/2022



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

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

QUITCLAIM DEED

We, **GIANNINA DEGAETANO, MARIA GIORGIO AND ANNA CLARKE, TRUSTEES** of the **FERRARA FAMILY REALTY TRUST** u/d/t dated April 29, 2002 and recorded with the Norfolk County Registry of Deeds in Book 16877, Page 71, of Franklin, Massachusetts .

for consideration paid and in full consideration of Thirty-Five Thousand and 00/100 (\$35,000.00) Dollars

grants to **FRANKLIN FLEX SPACE LLC**, a Massachusetts limited liability company with an address of 13 Clovelly Road, Wellesley, Massachusetts

with QUITCLAIM COVENANTS:

A certain parcel of land situated off Washington Street, Franklin, Norfolk County, Massachusetts and shown as Parcel B on a plan entitled "Plan of Land in Franklin Massachusetts" Norfolk County, Scale 1" = 50', dated October 26, 2006, Prepared For: Franklin Sports Mall, 2 Cochran Way, Franklin, Massachusetts, drawn by United Consultants Inc., 850 Franklin Street, Suite 11D, Wrentham, Massachusetts 02093, filed with the Norfolk County Registry of Deeds as page 80 in Plan Book 562, to which plan may be referenced for a more particular description.

Parcel B contains 21,634 square feet of land, more or less, according to said plan.

The Grantors hereby release homestead rights of the beneficiaries of the Trusts and do hereby certify and affirm under the pains and penalties of perjury that no other person is entitled to homestead rights in the above described premises.

Meaning and intending to convey and hereby conveying the same premises conveyed to the Grantors by deed dated July 16, 2018 and recorded in said Deeds Book 36281 Page 195.

THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK

Property Address: Parcel B, Off Washington Street, Franklin MA

Witness our hands and seals this ^{N O T} 7th day of March, 2022. ^{N O T}
_{A N} _{A N}

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

FERRARA FAMILY REALTY TRUST
O F F I C I A L
C O P Y

By: [Signature]
Giannina DeGaetano, Trustee

By: [Signature]
Maria Giorgio, Trustee

By: [Signature]
Anna Clarke, Trustee

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this 7th day of March, 2022, before me, the undersigned notary public, personally appeared **Giannina DeGaetano, Maria Giorgio and Anna Clarke, Trustees of the Ferrara Family Realty Trust** (name of document signer), proved to me through satisfactory evidence of identification, being (check whichever applies): *Driver's License or other state or federal governmental document bearing a photographic image,* *Oath or Affirmation of a credible witness known to me who knows the above signatory, or* *My Own personal knowledge of the identity of the signatory,* 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 and who also swore or affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief.

[Signature]
Notary Public: John P. Vignone
My Commission Expires: 08/19/2022

