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February 6, 2025

BY EMAIL alove@franklinma.gov

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Amy Love, P.E.
Town Planner
Town of Franklin
355 East Central Street
Franklin, MA 02038

Mr. Gus Brown
Building Commissioner
Town of Franklin
355 East Central Street
Franklin, MA 02038

Re: Application for Approval of Site Plan filed November 18, 2024
Property: 759 Union Street, Franklin, Massachusetts
Applicant: Charbel Saghbini or his nominee
Property Owner: PVG ONE LLC

Dear Ms. Love, Planning Board Members and Mr. Brown:

We write to you as counsel to Mr. Charbel Saghbini, the applicant who filed the attached Application for Approval of Site Plan for the above referenced Property on November 18, 2024, a copy of which is enclosed herewith, along with the plan set filed with the Application (the application and accompanying plan set, the "Application").

At an initial hearing held December 16, 2024 before the Franklin Planning Board, the Applicant, through its engineers Guerriere & Halnon, Inc. presented the proposal for development of the Property proposed in the Application, a single-story building to be divided into eight units of 1,800 square feet each, intended to house small offices and operations centers for tradespersons, co-working facilities and other start-up businesses. As noted in the Application the property measures 58,00 square feet and is located within the Town's Commercial II Zoning District, whose purpose is defined in Section 185-49(c)(7) of the Franklin Zoning Code as follows:

The Commercial II District (CII) is intended primarily for office, retail, service, trade, restaurant, and other commercial uses and limited industrial uses in a suburban commercial environment. Single-family and two-family residential uses may also be permitted.(emphasis added).

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As the Applicant explained at the initial hearing on December 16 and the second hearing before the Board held February 10, 2025, the Applicant is proposing to build a single-story "flex" building consisting of eight 1,800 square foot units to be used as:

- (a) offices for start-up trades people (plumbers, electricians, construction workers) to house their administrative functions (billing, scheduling and related matters) requiring one or two employees and maintaining location for tools, every day supplies and other materials that might be needed by those tenants.
- (b) Office space for other types of business, including professionals, persons in the wholesale trades and consultants, crafts people and the like; and
- (c) perhaps wholesale or very limited retail business (bakeries, print shops, etc.) but only if mandated parking spaces are available in light of spaces specifically allocated as required to other tenants..

all of which uses are allowed as of right in the Commercial II Zoning District under the Franklin Zoning Code. In addition, the space may be leased to businesses that provide consulting services for financial, technology, arts and other businesses that might be starting up. **The Applicant is intending to lease to tenants engaged in commercial activities that are allowed by right within the Commercial II Zoning District in which the property is located.**

These units are small (1,800 sf) and are intended to assist tenants who need very limited space for the start-up of their businesses. For small tenants engaged in trades, no onsite sales, no outside storage, no construction activities and no interior storage of materials other than tools and supplies needed on a daily basis would be maintained or allowed at the Property. The Applicant will not lease to tenants who would use for auto repairs, warehousing or storage of materials beyond those needed on a regular basis by the trades people or office persons on a daily basis or the inventory needed by a retail operations, to the extent permitted.

The Applicant went through several months of technical review with the appropriate officials of the Town and received support and encouragement for the proposed project. At the initial hearing held before the Board on December 16, 2024, the Applicant fielded questions and concerns from the Board and from certain neighbors, which the Applicant felt it had appropriately addressed, subject to further examination of the project by the Town's peer review engineer Beta Group Inc. In January 2025, the Applicant through its engineers at Guerriere & Halnon received the enclosed initial report on the project, which raised not only numerous technical questions and issues but also questions as to usage and potential roadway improvements that the Town might seek from the Applicant despite the limited traffic generated by the project and its low-intensity purpose.

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At the initial hearing on December 16 and again on February 10, 2025, the Board questioned the Applicant's request for overhead doors for each of the eight units of the proposed project. Access through these overhead doors is critical to the ability to rent these units to the proposed tenants whose use is allowed by right under the Franklin Zoning Code. These tenants must be able to load and unload their tools and supplies from work vehicles at the beginning and end of the work day – the tenants would not be permitted to garage their vehicles in the units. The majority of the prospective tenants would arrive in the morning with their work vehicles, back the same into their units and would promptly thereafter exit with materials for the day loaded. There would be no storage of larger inventory items that might be needed by a plumber, electrician or other contractor. Those items would be obtained on a job to job basis from materials supply houses. The Applicant who will continue to own the facility will ensure in its leases and in its monitoring that vehicles will not be idling for extended periods and that no outdoor work will be engaged in at the Property.

The Applicant understands that, under applicable building codes, interior access for vehicles mandates floor drains and environmental equipment to ensure separation of oils and related materials and is ready to install the same into each of the units as a condition to project approval. The Applicant is seeking substantially similar access through unobstructed overhead doors as the Washington Street flex space project that the Board approved in April 2022, which was approved with overhead doors providing unrestricted access for quick access and egress to work vehicles owned by the tenants. We understand that that development was located in an Industrial District, but the flex and office space usage proposed by the Applicant is allowed as of right in the Commercial II district and that Applicant is ready to install all necessary infrastructure required under applicable building code and regulation in connection with interior access by similar work vehicles

The Applicant seeks the approval for the project for use by tenants would put the space to use only as allowed by right. As a result, we are before the Board seeking solely site plan review and are not requesting and do not need special permits or other zoning relief with respect to intended uses or dimensional requirements from either the Board or from the Franklin Zoning Board of Appeals. As reflected in the Zoning Chart included in the plans accompanying the Application, the project meets all dimensional requirements imposed within the zoning district.

Further, there will be no material impact on traffic. Other than the one or two employees of the unit tenants who might be running the administrative side of a tenant's business (scheduling and billing and the like), the need for access would primarily be the beginning of the business day as tradespeople load tools and supplies for the day and at the end of the day for unloading – this would be done with a minimum of access and egress by persons than the one or

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two persons engaged in tasks being conducted onsite. . Given the limited number of people who would be accessing the site on a daily basis, there would be no material impact on traffic in the area. Further, to the extent certain tenants might require more than a couple of parking spaces for on-site employees, then we understand we need to come back to either this Board or the Zoning Board for special permit with regard to parking.

The Property is located in close proximity to US Route 495, in a well-developed commercial area. The site would provide attractive space for tenants who are starting new businesses and need limited space for maintaining their administrative function as well as housing their supplies needed and tools needed on a daily basis The proposed use is not intense in the least – in fact, it is very limited compared to the hotels, restaurants and other businesses in the neighborhood. As stated above, the Applicant believes that the proposed project is exactly in line with the intention and purpose of the Commercial II district.

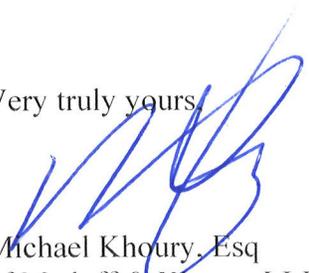
Per the Board’s instruction at the February 10 hearing, we have had discussions with Mr. Brown regarding the uses proposed and the proposed project generally and have prepared this letter in part at this request.

The Applicant intends to address the many technical issues and comments raised by the Town’s peer review engineer in its report but given the larger legal questions that have been raised by the Board in regard to the project, we think it is more efficient and effective to see if these larger issues can be resolved before the extensive time is undertaken addressing technical engineering points raised in The Beta Group’s report.

We wish to be added to the agenda for the March 10 hearing and ask that Ms. Love, Mr. Brown, members of the Board or others let us know if they have questions or issues that they want squared away before the March 10 hearing.

Thank you

Very truly yours,



Michael Khoury, Esq
of Madoff & Khoury LLP
Counsel to Charbel Saghbini, Applicant

Enclosures

cc: Mr. Charbel Saghbini (w/ encl.) (by email)
Michael Hassett, PE of Guerriere & Halnon (w/ encl.) (by email)