

# TOWN OF FRANKLIN

## Zoning Board of Appeals

355 E Central Street

Franklin MA 02038

### DECISION ON APPLICATION FOR COMPREHENSIVE PERMIT

G.L. c. 40B, §§ 20-23

COMPREHENSIVE PERMIT:

APPLICANT: TAG Central LLC (“Applicant”)  
PROPERTY: 444 East Central Street, Franklin, MA 02038  
ASSESSORS’ ID#: 284-066-000  
DEVELOPMENT NAME: Residences at 444 East Central  
DATE: December \_\_\_\_, 2025

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### DECISION

Pursuant to G.L. c. 40B, the Zoning Board of Appeals of Franklin (“ZBA”) hereby grants a Comprehensive Permit to the Applicant for the construction of 254 dwelling units on the Property, with associated infrastructure and improvements, subject to the following conditions. The term "Applicant" in this Decision means the Applicant, its heirs, successors and assigns. The ZBA may designate an agent or agents to review and approve matters set forth herein.

#### I. PROCEDURAL HISTORY

1. An application for a Comprehensive Permit was received by the ZBA on or about February 27, 2025 (“Application”). The Application proposed the development of two hundred sixty four (264) apartment units in four multiunit structures, with a clubhouse, other amenities, and parking (the “Project”) on a 15-acre parcel located at 444 East Central Street, Franklin, Massachusetts (“Property”).
2. The ZBA’s public hearing on the Application was duly opened on March 27, 2025, and was continued to the following dates:

May 8, 2025

**CASEY -- LIST OTHER DATES**

A site walk was held on \_\_\_\_\_. An onsite balloon study was held on September 24, 2025. After an extension of time was granted by the Applicant, the public hearing was closed on November 20, 2025.

3. The Applicant provided various materials, reports, studies, and revised plans throughout the course of the public hearing on the Application.
4. During the public hearing, the Applicant was assisted primarily by Allen and Major Associates (Civil Engineer); Vanasse & Associates (Traffic Engineer); and Moriarty, Bielán and Gamache, LLC (Legal Counsel).
5. The ZBA utilized the services of Attorney Mark Bobrowski; its civil engineer Joseph Peznola, P.E., of Hancock Associates, and Steven Findlen of Howard Stein Hudson for traffic engineering.
6. The ZBA received substantial written and oral comments and information from Town staff and other interested persons throughout the hearing process.

## **II. JURISDICTIONAL FINDINGS**

1. The Applicant has demonstrated its eligibility to submit an application for a Comprehensive Permit to the ZBA, and the Project fulfills the minimum project eligibility requirements set forth in 760 CMR 56.04(1) as follows.
2. The Applicant is a limited dividend entity, TAG Central LLC, which is a single-purpose entity created for the purpose of the Project. TAG Central LLC has a principal place of business at 398 Washington Street, Suite 325, Wellesley, MA.
3. The Applicant has received a written determination of Project Eligibility (the “PEL”) from EOHLC under the Local Initiative Program (“LIP”) dated February 12, 2025, a copy of which was provided to the ZBA with the Application.
4. The Applicant provided a copy of a Notice of Purchase and Sale Agreement dated September 12, 2024, for the Property. Thus, the Applicant has shown evidence of site control sufficient to apply for a Comprehensive Permit.
5. The Applicant has agreed to execute a Regulatory Agreement that limits its annual distributions in accordance with G.L. c. 40B and the regulations (760 CMR 56.00 et seq.) and guidelines adopted thereunder by EOHLC.
6. At the time of the Application, the Town of Franklin (“Town”) had met the statutory minima set forth in G.L. c. 40B, § 20 or 760 CMR 56.03(3)-(7), in that the Subsidized Housing Inventory (“SHI”) of EOHLC dated June 29, 2023, reported that affordable housing constituted 10.86% of the Town’s year-round housing stock. Prior to the LIP Application, PEL issuance and Comprehensive Permit Application, the Applicant participated in a nearly yearlong process pursuant to the Town of Franklin’s LIP Review

Process in which the Town and Applicant collaborated on the Project through a public meeting process which resulted in unanimous votes of support from the Conservation Commission and Planning Board, and a vote of support from the Town Council on or about June 5, 2024.

7. The ZBA did not claim Safe Harbor as set forth in G.L. c. 40B ss. 20-23 and 760 CMR 56.00.
8. On or about January 19, 2025, the Franklin Town Council voted on a resolution to withdraw its support for the 444 East Central Street LIP project based on recent changes in Town Council membership.
9. In a letter to Town Manager Hellen dated January 18, 2025, Derya Samadi, EOHLC'S General Counsel, said:

Accordingly, regardless of the outcome of any potential Town Council vote to rescind support based on council membership changes, EOHLC will not amend, withdraw, or rescind the PEL issued for this project on that basis. Therefore, the project sponsor is entitled to continue the public hearing process before the Franklin Zoning Board of Appeals.

- 10.. The Project, as conditioned herein, will address the local needs for rental housing including both affordable and market-rate units in Town. The ZBA finds that the construction and operation of the Project, as conditioned, will be consistent with local needs.

### **III. FACTUAL FINDINGS**

1. An application for a Comprehensive Permit was received by the ZBA on or about February 27, 2025 ("Application"). The Application proposed the development of two hundred sixty four (264) apartment units in five multiunit structures, with a clubhouse, other amenities, and parking (the "Project") on a 15 acre parcel located at 444 East Central Street, Franklin, Massachusetts ("Property").
2. The Application was subsequently modified by a reduction of the number of proposed apartment units to 254 dwelling units, with an approximate mix of 116 one-bedroom units, 112 two-bedroom units, and 26 three-bedroom units, as shown on the Approved Plans identified in Condition B.2.
3. The Property is a 15 acre site currently occupied by a landscaper's business operations, Stobbart's Landscape Nursery, and features a commercial building totaling approximately 7,529 square feet, two garages, and four greenhouses. The balance of the Property is primarily used as a construction and outdoor storage yard for landscaping supplies, equipment, machinery, vehicles and the like. A stream bisects the center of the site and splits the site into two main areas to the east and west of the stream.

4. The existing use has contributed to significant degradation of the Property over the years. fill piles, debris, disturbed topsoil, overgrowth invasive plant species, abandoned vehicles/equipment, and run-down structures cover the site. The site will require extensive restoration.
5. The location of the Property is near significant neighborhood amenities and services, public transit, existing infrastructure and a variety of established uses including other multifamily communities. Nearby retail options and other destinations include Shaw's, Big Y, Starbucks, CVS, Walgreens, and several banks. The Project will also be near the Town Center and Town Hall. The Franklin MBTA Station is just 1.2 miles from the site. To provide pedestrian connectivity between the Project and these neighborhood services and amenities, the Applicant has proposed to construct 175' of new sidewalk, bicycle shoulders, and curbing along East Central Street subject to MassDOT approval.
6. The Applicant participated in Franklin's LIP Review Process with public meetings before the Planning Board, Conservation Commission and Town Council. The Planning Board and Conservation Commission voted to support the Project as a LIP. On June 5, 2024, the Town Council voted to endorse Applicant's application for a determination of Project Eligibility. The Applicant received a Project Eligibility Letter ("PEL") from the Executive Office of Housing and Livable Communities ("EOHLC") dated February 12, 2025 pursuant to M.G.L. Ch. 40B and 760 CMR 56.00.
7. Of the 254 total units, 25%, or 64 units, shall have a rental price affordable for households earning up to 80% of area median income (AMI), adjusted for household size. The balance shall be market rate units.
8. The Applicant proposes to construct 387 parking spaces, or 1.52 spaces per unit, for the Project.
9. The ZBA's consulting civil engineer, Joseph Peznola, P.E. of Hancock Associates, reviewed the Applicant's plans and specifications, and summarized his findings in a several memoranda to the ZBA. In his final peer review letter dated November 19, 2025, Mr. Peznola concluded that (1) the plan set including wetland and flood impact areas were adequately delineated; (2) the site design and building layout plans were generally acceptable, subject to proposed revisions detailed in his reports; (3) proposed traffic and circulation on the Property were generally acceptable, subject to proposed revisions detailed in his reports; (4) utility connections and service should be verified with appropriate Town authorities, but were generally adequate; (5) grading and drainage revisions were required but were not so extensive as to render the project infeasible; (6) proposed plantings and landscaping were generally adequate; (7) the existing site is serviced by adequate municipal water and sewer systems; and (8) the Applicant proposes to provide 387 parking spaces on the Property and this number will be adequate. Mr. Peznola made recommendations to the ZBA for conditions to mitigate impacts of the proposed Project and these are set forth as Conditions, below.

10. The ZBA's consulting traffic engineer, Steven Findlen of HSH, reviewed the Applicant's Traffic Impact and Access Study (TIAS) prepared by VAI, Inc., and summarized his findings in a several memoranda to the ZBA. Mr. Findlen concluded that (1) the TIAS contained the information typically provided in such studies and was consistent with engineering guidelines; (2) the TIAS proposed an adequate traffic study area; (3) the methodology used in the TIAS to assess volume and peak hours was appropriate; (4) speed and sight distance measurements in the TIAS were appropriate for the proposed use; (5) there are no high accident locations in the TIAS study area; (6) the methodology of projecting traffic impacts attributable to the Project was appropriate; (7) the TIAS projections for level of service (LOS) impacts at nearby intersections were appropriate. Additionally, in reference to the ITE Parking Generation, whereas the proposed parking ratio falls within the range of observed parking demands of similar residential developments, HSH generally agreed with the Applicant's proposed parking plan and associated waiver's request based on the initial Application which featured a proposed parking ratio of only 1.35 spaces per unit, which is substantially lower than the increased ratio of 1.52 spaces per unit proposed in the Approved Plans. Mr. Findlen accepted the recommendations made by VAI in the TIAS including conditions to mitigate impacts of the proposed Project. The recommendations are set forth in the Conditions, below.
11. The Project will connect to the municipal water system for domestic and fire protection. The ZBA finds that, as conditioned herein, the Project provides sufficient water supply for both the domestic and fire protection needs.
12. The Project will connect to the Franklin municipal sewer system. The ZBA's peer review engineer concluded that there is presently sufficient wastewater treatment and discharge capacity for this Project. However, there is a continuing concern that the pump station across the street from the Property may require mitigation in order to process the wastewater emanating from the Project. See Condition D.7.
13. The Applicant received a letter from the Town Engineer dated February 9, 2024 confirming availability of water and sewer service for the proposed development. The ZBA acknowledges concerns raised by abutters and other interested parties regarding the Project's potential incompatibility with abutting residential uses, including concerns relating to increased traffic, blasting, and water-related concerns. The ZBA has addressed these concerns by the imposition of appropriate conditions.
14. The Applicant coordinated the site plan with the Fire Department to review and modify certain aspects of the design related to fire safety and access such as three-sided fire access to each building during the LIP Review Process. The Fire Department confirmed the site plan addressed all concerns to date and the Department had no further comments on the site plan at that time.
15. The Project plans include a lighting plan illustrating appropriate exterior lighting across the site. The TIA indicates lines of sight at the Project driveway intersection with Route 140 were found to exceed the recommended minimum distances to function in a safe and efficient manner.

16. The Applicant has pledged to donate for preservation 1.56 acres of land to the Town along the southern border of the property as open space or conservation land adjacent to the nearby Town Forest to the south.
17. The ZBA finds that granting a Comprehensive Permit, with the conditions and waivers contained in this Decision, is consistent with local needs.

#### **IV. CONDITIONS**

This Comprehensive Permit shall comply with all of the following terms and conditions:

##### **A. REGULATORY CONDITIONS.**

1. The total number of dwelling units that may be constructed on the Property shall be limited to 254 dwelling units, with an approximate mix of 116 one-bedroom units, 112 two-bedroom units, and 26 three-bedroom units, as shown on the Approved Plans (defined in Condition B.1, below).
2. At least 25% of the dwelling units in the Project shall be and shall remain affordable and shall be marketed to eligible households whose annual income may not exceed 80% of area median income (AMI), adjusted for household sized, as determined by the United States Department of Housing and Urban Development (the “Affordable Units”). Subject to approval by the Commonwealth’s Executive Office of Housing and Livable Communities (“EOHLC”), the Affordable Units and the remaining units shall be eligible to be included in the Town’s Subsidized Housing Inventory (SHI), as maintained by EOHLC.
3. The Applicant shall notify the ZBA and the Town Manager when building permits are issued and cooperate with the preparation of request forms to add the units to the SHI.
4. The Applicant shall notify the ZBA and the Town Manager when occupancy permits are issued and cooperate with the preparation of request forms to add the units to the SHI permanently.
5. The Affordable Units shall permanently remain affordable, for so long as the Project is not in compliance with the Franklin Zoning By-law, or for the longest period allowed by law, if longer, so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under G.L. c. 40B, §§ 20-23.
6. The Affordable Units shall be dispersed throughout the Project as designated by the Applicant by agreement with the Subsidizing Agency. The Affordable Units and the market rate units shall be constructed on substantially the same schedule. The Affordable Units shall be indistinguishable as viewed from the exterior from the market rate units and shall have the same the base interior fit-up of the market rate units.

7. The Applicant shall execute a Regulatory Agreement that shall be countersigned by the Subsidizing Agency as required under G.L. c. 40B and submit annual reports to the Subsidizing Agency in accordance with the Regulatory Agreement.
8. The Affordable Units shall not be segregated from the market rate units. If the Project is intended to be occupied in phases, the Applicant shall provide to the ZBA a construction/occupancy phasing plan reflecting that approximately 25% of the units in each such phase shall consist of affordable units.
9. The Applicant shall recertify to the Subsidizing Agency, annually or less frequently as may be required by the Subsidizing Agency, the continuing eligibility of any tenant in an affordable unit. If a previously eligible tenant becomes ineligible to occupy an affordable unit, the Applicant may charge the tenant a market rate rent; however, the Applicant shall comply with the Subsidizing Agency's requirements for converting another unit to an Affordable Unit. Upon request, the Applicant shall provide the Town with all necessary information to determine whether the required affordability levels are in place.
10. The Applicant shall enter into a Springing Regulatory Agreement with the Town, in a form and substance reasonably acceptable to the Subsidizing Agency, the ZBA and its legal counsel (the "Springing Regulatory Agreement"), which shall be recorded with the Norfolk County Registry of Deeds prior to issuance of any building permit for the Project.
11. The Springing Regulatory Agreement: (i) shall become effective only if and when the Regulatory Agreement with the Subsidizing Agency is terminated, expires or is otherwise no longer in effect and is not replaced with another regulatory agreement with another Subsidizing Agency; (ii) shall require that the Project shall remain a rental project so long as the Project does not comply with the Franklin Zoning By-law; (iii) shall require that at least twenty-five (25%) percent of the apartments in the Project shall be rented in perpetuity to moderate income households as that term is defined in G.L. Chapter 40B, Sections 20-23; (iv) shall restrict or limit the dividend or profit of the Applicant only if and as required under G.L. Chapter 40B and 760 CMR 56.00, et seq., and no independent limitation on dividends or profits is imposed hereunder; and (v) shall restrict the number of allowed units and bedrooms (within a 5% deviation) as set forth in the Comprehensive Permit. If the Comprehensive Permit is modified in the future, the Applicant shall request a modification of the Springing Regulatory Agreement to conform to the Permit as modified.
12. The Springing Regulatory Agreement shall constitute a restrictive covenant recorded against the Property and shall be enforceable by the Town. It shall require that the Affordable Units remain affordable rental units in perpetuity, meaning for as long as the Project does not comply with the Franklin Zoning By-law or for the longest period allowed by law, whichever period is longer.
13. While the original Regulatory Agreement with the Subsidizing Agency (or one with another Subsidizing Agency) is in effect, the Subsidizing Agency shall be responsible to monitor compliance with affordability requirements pursuant thereto. However, the Town

may request, and shall be provided by the Applicant, all information that is provided to the Subsidizing Agency, excluding financial information, and it may take any steps allowed under G.L. Chapter 40B and 760 CMR 56.00 in relation to excess profits and enforcement of affordability provisions.

14. When the Springing Regulatory Agreement takes effect, the affordability requirements shall be enforceable by the Town or its designee to the full extent allowed by G.L. Chapter 40B, Sections 20-23.
15. Conditions A.10 to A.14, above, shall not be used or construed or otherwise exercised in conflict with *Zoning Board of Appeals of Amesbury v. Housing Appeals Committee*, 457 Mass. 748 (2010), or any other binding authority, nor shall the foregoing be deemed to limit the Town's authority to enforce the provisions of this Comprehensive Permit in accordance with the legal exercise of its zoning enforcement powers. At such time as the Town becomes responsible for monitoring the affordability requirements for the Project, the Applicant shall pay the Town a reasonable monitoring fee reasonably consistent with the monitoring fees required by the Subsidizing Agency.
16. To the extent allowed under G.L. Chapter 40B and the regulations promulgated thereunder and other applicable law, with respect to at least 70% of the affordable units, the Applicant shall provide a preference in the initial lease up as follows ("local preference"): Franklin residents and their parents and children; persons who had resided in Franklin within two years immediately preceding their application for housing, and employees of the Town of Franklin.

The Town shall provide the Applicant with all necessary information and data to support the local preference within 30 days of a written request for information. This preference shall be implemented by the Applicant, and the Applicant shall maintain records of its marketing efforts, which records shall be open to review by the Town for compliance with the local preference. The local preference shall be implemented pursuant to procedures approved by the Subsidizing Agency. The costs associated with the marketing of units in the Project, including the advertising and processing for the Affordable Units, shall be borne by the Applicant.

17. The Applicant shall submit to the ZBA a report on marketing activity at the Project during the initial lease-up of the Project demonstrating compliance with the local preference requirement pursuant to the plan approved by the Subsidizing Agency.
18. The ZBA acknowledges that it will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the local preference and to obtain approval of the categories of persons qualifying for it, and the Applicant shall not be in violation of this Comprehensive Permit to the extent the Subsidizing Agency disapproves the local preference or any aspect thereof. If the ZBA or its designee does not provide such information without good cause within thirty (30) days of a written request by the Applicant, its Lottery Agent, the Subsidizing Agency or EOHLC, then this condition shall be void.

19. The Applicant shall develop a marketing plan for the Affordable Units for review and approval of the Subsidizing Agency, said plan to conform to any and all affirmative action requirements or other requirements imposed by federal or state regulation.
20. If at any time the ZBA finds, after a hearing of which the Applicant has been given prior notice, that the Applicant is in violation of the affordable housing restriction with the Town when said restriction is in effect as described above, the ZBA may pursue such enforcement rights as it may have under the affordable housing restriction and applicable law.
21. Profits from the Project in excess of those allowed under applicable law and regulations shall be utilized as provided in the regulatory agreement with the Subsidizing Agency and as required and provided for under G.L. Chapter 40B and 760 CMR 56.00.
22. The Applicant shall annually provide the ZBA or its designee for informational purposes copies of any and all documents and statements of its costs and revenues that it provides to the Subsidizing Agency or its auditor.
23. The Town, by and through the Building Commissioner and the ZBA, or its designee, shall have continuing jurisdiction over the Project to ensure compliance with the terms and conditions of this Decision.
24. Prior to receiving any building permit, the Applicant shall obtain Final Approval from the Subsidizing Agency pursuant to 760 CMR 56.04(7) and shall provide evidence of such Final Approval to the Building Commissioner and the ZBA.

**B. GENERAL CONDITIONS.**

1. The Project shall be constructed substantially in conformance with the plans and drawings listed below in this Condition B.2. For the purposes of this Comprehensive Permit these plans and drawings shall be considered the Approved Plans for the Project (“Approved Plans”). Reasonable adjustments of the Approved Plans following the issuance of a Comprehensive Permit are typical of the design development process and are allowed and may be approved directly by the Building Commissioner. Requests for insubstantial or substantial changes as described in 760 CMR 56.07(4) shall be submitted to the ZBA in writing and processed by the ZBA in accordance with the regulation. Field changes and other design adjustments which are typical of the design development process, that is changes that do not materially affect the Project, shall be submitted to the Building Commissioner, who shall have the authority to approve such changes as immaterial changes.
2. The Approved Plans shall consist of the following plans and drawings:
  - Site Plans including Civil and Landscape:

- Civil: Revised Comprehensive Permit Plans dated/revise October 29, 2025 prepared by Allen & Major Associates (includes Existing Conditions Plan dated November 3, 2025)
  - Landscape Architecture and Lighting Plans: Revised Comprehensive Permit Plans dated/revise October 29, 2025 prepared by KZLA in collaboration with DRY
  - Erosion Control and Site Preparation Plan, Sheets C-101A and 101C, dated November 13, 2025.
  - Architecture Plans: Revised Comprehensive Permit Plans dated/revise October 29, 2025 prepared by Cube3 Studios
  - Drainage Report dated/revise October 29, 2025 prepared by Allen & Major Associates
3. The Project shall conform to all applicable state and federal laws, codes, regulations, and standards including, but not limited to, the following:
- (a) International and Massachusetts Building, Plumbing, Fire Protection, Elevator, Access and Electrical Codes;
  - (b) The Massachusetts Wetlands Protection Act (G.L. c. 131 §40) and the associated Regulations (310 CMR 10.00) and approval as may be granted by the Franklin Conservation Commission or MassDEP;
  - (c) The Massachusetts Endangered Species Program;
  - (d) Massachusetts Department of Environmental Protection Wastewater Regulations;
  - (e) EPA and DEP Stormwater requirements and accepted industry best management practices for construction of the drainage infrastructure; and
  - (f) U.S. Army Corps of Engineers Regulatory Program under Section 404 of the Clean Water Act.
  - (g) The Massachusetts Historical Commission's applicable regulations.
4. There shall be no exterior construction activity, including running, idling or fueling of vehicles, on the Property before 7:00 a.m., or after 6:00 p.m., Monday through Friday and before 8:00 a.m. or after 6:00 p.m. on Saturday. There shall be no construction or other activity on the Premises on the following days unless a special approval for such work has been issued by the Franklin Police Department: Sundays or the following legal holidays: New Year's Day, Memorial Day, Juneteenth, July Fourth, Labor Day, Thanksgiving and Christmas. The hours and days of operation shall be enforceable by the Franklin Police Department.
5. All utilities serving the Property shall be installed underground except for those required by private utility companies to be above ground such as transformers, switch gear and pull boxes.

6. After the issuance of a certificate of occupancy, the Project shall be operated and maintained in compliance with this Decision.
7. The Project shall be served by the municipal water and sewer system, at the Applicant's sole expense. All facilities shall be installed as shown on the Approved Plans subject to the potential addition and installation of a sewer holding tank or pumps pursuant to Condition #7 within the Special Conditions Section D herein.
8. Improvements located in the State's Right of Way ("ROW") shall be subject to the review and approval of MassDOT, including but not limited to the entry driveway which requires a State Highway Access Permit (SHAP). The Applicant shall obtain necessary approvals for improvements within the ROW and, if any substantial changes result from the MassDOT approval process to areas of the Project within the Property bounds, excluding any changes to Project improvements within the ROW, return to the ZBA for approval of any substantial or insubstantial changes, if applicable.
9. All exterior lighting for the Project shall be shielded and downlit so as to avoid light trespass or glare across any adjacent property line. There shall be no unshielded sources of light visible from public ways or adjacent properties, or light in excess of 3,000 Kelvin, unless otherwise noted on the Approved Plans.
10. Landscaping shall be installed in accordance with the Approved Plans prior to issuance of the final certificate of occupancy.
11. Final design plans for the storm water management system shall comply with Department of Environmental Protection regulations.
12. All utility work and roadwork within any public right of way shall be performed and conducted in conformance with the regulations of the Town and MassDOT, if applicable, including requirements for street opening permits and trench permits. Contractors shall be duly licensed as required by the Town. All such work shall be performed in accordance with the Approved Plans.
13. Any internal sidewalk trees and street trees to be planted adjacent to the sidewalk shall be installed before issuance of the final occupancy permit for the Project.
14. All structures and site improvements within the Project site shall remain private in perpetuity, including any and all ways, parking areas, street lighting, drainage, buildings, sewer and water infrastructure, and the Applicant alone shall bear the cost of maintenance, repairs, replacement, snow plowing and trash removal for same in perpetuity.
15. The Applicant shall provide 24/7 monitoring of the Project, either by on-site management or by an off-site management entity that is available by phone 24/7. If the Applicant engages a management company, the Applicant shall post the name and telephone number

of that company in each wing of the buildings in a prominent place. It shall provide the ZBA and Town a copy of any management contract.

16. The Project shall be sprinklered in accordance with applicable state and NFPA standards, including attics and storage spaces. The Applicant shall submit final fire alarm/sprinkler plans in compliance with applicable codes to the Fire Chief for review and approval.
17. The Applicant shall ensure that all underground water pipes shall have watertight joints.
18. No Certificate of Occupancy for any phase shall be issued until the infrastructure, common facilities, and common improvements necessary to serve the building or buildings for which such Certificates are requested specified in this Decision and set forth on the Approved Plans are constructed and installed so as to adequately serve such buildings , or adequate security has been provided, reasonably acceptable to the ZBA, and approved as to form by the ZBA's legal counsel, to ensure the completion of such improvements. No such performance guarantee shall be requested until all drainage facilities and the base course of the pavement necessary to serve the building or buildings for which such Certificates are requested have been installed. The choice of performance guarantee shall be governed by G.L. c. 41, § 81U (excluding the statutory covenant which shall not apply in this matter) and shall be approved as to form by the ZBA's legal counsel. Such surety shall be in the form of either cash escrow, Tri-Party Agreement with construction lender and the Board, Letter of Credit, or bond.
19. Prior to issuance of Building Permits, the Applicant shall:
  - (a) Provide to the Building Commissioner a final Stormwater Pollution and Prevention Plan (SWPPP) to address specific sedimentation, erosion and dust control, which illustrates, at a minimum, locations of measures such as hay socks, silt fence, sedimentation basins, and all other erosion controls on the plans, and provides detailed construction sequencing and methods to protect the infiltration capacity of each detention system, all in conformance with the requirements of the Conservation Commission during the Order of Conditions process.
  - (b) Obtain a National Pollutant Discharge Elimination System (NPDES) General Permit from the United States Environmental Protection Agency as necessary for construction of the Project.
  - (c) Provide procedures that outline the specific operation and maintenance measures for all stormwater/drainage facilities, including any temporary facilities that shall be employed to minimize or eliminate the threat of transmission of mosquito-borne diseases to the residents of the Project and nearby residents.
20. The Applicant's Civil Engineer submitted a hydrant flow test performed on May 21, 2025 to the ZBA during the public hearing which illustrated adequate volume and pressure for

the Project. The ZBA's Civil peer review engineer, Hancock Associates, noted they were satisfied with the response and the item is closed.

21. All blasting, if any, shall be performed in accordance with 527 CMR 1.0 as coordinated with the Franklin Fire Department. Pre-blast surveys shall be offered to all residents as required by 527 CMR 1.0 Section 65.9.15.
22. Only organic fertilizers pesticides and herbicides shall be used on the Property.
23. Sodium-based deicing chemicals are prohibited from use on the Property.
24. Dumping of landscape debris, including leaves, grass clippings and brush on the Property is prohibited.
25. The Project shall not be gated.
26. All grading shall be generally consistent with the Approved Plans, however, Applicant may adjust grades to potentially lower buildings and reduce import materials or similar minor adjustments consistent with design development process pursuant to B1 above.
27. The Applicant shall provide post-permit documents and plans required in this Decision to the ZBA. The ZBA shall provide to the Applicant an estimated cost for any inspections or peer review of those materials for completeness and compliance with this Decision. The Applicant shall pay all costs for post-permit inspections and peer review.
28. Once the Applicant has provided a complete set of post-permit documents and plans and the peer review funds are in place, the ZBA shall have forty-five (45) days to obtain the necessary peer review comments and to determine whether the final design submittals and plans conform to the conditions set forth in the Comprehensive Permit.
29. If the ZBA determines that deficiencies exist in the post-permit documents and plans, it shall notify the Applicant of those deficiencies. The Applicant shall have 45 days to cure the deficiencies, which period may be extended by the ZBA in writing.
30. If the deficiencies are not timely cured, then the ZBA may determine that the relevant conditions of the Comprehensive Permit have not been satisfied. The Applicant may avail itself of any avenue of appeal that may exist or may take further action to make additional submissions to the ZBA and its peer review consultant, to try to obtain the approval required by this condition, so long as this Comprehensive Permit has not lapsed and so long as the Applicant pays the reasonable fees of the peer review consultant.
31. Any building equipped with an elevator shall program the elevator to return to the ground floor when a power outage occurs.
32. The Applicant shall provide the ZBA and the Board of Health, before the issuance of any certificate of occupancy, with an adequate operations plan for the storage and collection of

solid waste and recycling, to make sure that odor and nuisance problems are avoided. Trucks may collect or service the solid waste and recycling containers only during daylight hours between 7:00 a.m. and 4:00 p.m. on Monday-Friday.

33. If an irrigation system is installed utilizing municipal water, it may be done only in full compliance with the specifications of the Town.
34. All water and sewer construction and materials shall be in accordance with the requirements and specifications of the Town.
35. There shall be no telecommunication equipment, cell arrays or antenna affixed to the roof or sides of the building.

**C. CONSTRUCTION, INSPECTION, AND BONDING.**

1. The ZBA and its agents may enter the Property during construction of the Project (subject to conformance with applicable health and safety requirements, including, but not limited to hard hat, safety glasses, reflective vests and work boot requirements), upon reasonable notice, to determine compliance with this Decision.
2. The Applicant shall pay all of the ZBA's and Town's prior and outstanding peer review fees, if any, within 30 days of the issuance of the Comprehensive Permit. The Applicant shall pay for all post-permit peer review, post-permit inspections, and post-permit legal fees associated with document review and approval, by funding the escrow account now established pursuant to G.L. c. 44, s. 53G. No occupancy permit shall issue if any authorized outstanding bill for any fee is 45 days overdue. When all outstanding bills are paid, an occupancy permit shall issue.
3. The Applicant shall comply with orders issued by the Building Commissioner regarding construction of the Project, subject to the Applicant's rights of appeal under applicable law.
4. Work and activities within the wetland buffer zones as defined by 310 CMR 10.00 shall be governed by the Conservation Commission.
5. With respect to the work to be done by Applicant on private ways within the Property, no certificates of occupancy shall be issued by the Town until the Applicant has substantially completed all site drainage and utility work appurtenant to any parts of the Property for which an occupancy permit is to be issued and has installed a binder course of pavement on driveways and parking areas within those parts of the Property.
6. To the extent that landscaping for the Project is not completed prior to the issuance of the 127<sup>th</sup> certificate of occupancy (50% of the units), the Applicant shall provide the ZBA a satisfactory surety instrument, that shall not expire unless and until it is satisfactorily replaced or released, in an amount to be determined by the ZBA based upon the Applicant's reasonable estimate of the costs to complete such landscaping work. Such

surety shall be in the form of either cash escrow, Tri-Party Agreement with construction lender and the Board, Letter of Credit, or bond.

7. The work to be secured shall include any landscape screening and fencing along the Limit of Work boundary.
8. In addition, as of the same point in time as #6 above, the Applicant shall provide surety sufficient to loam and seed any disturbed areas which are yet to be developed per the Approved Plans. Such surety shall be held by the Town Treasurer until the Treasurer is notified by the ZBA to release the surety. Requests to reduce the surety may be submitted as the landscaping work progresses and shall include the amount of requested reduction, a list of work outstanding and a cost estimate of the same. The amount of the surety retained shall be based on the cost estimate of the remaining work, and the surety shall be fully released upon the satisfactory completion of the landscaping work.
9. Prior to the issuance of any building permit, the Site and Engineering Plans, finalized as necessary as provided in this Decision, shall be signed and sealed by a Massachusetts Professional Engineer and a Massachusetts Registered Landscape Architect and filed with the ZBA and the Building Inspector, and shall include the following:
  - (a) Grading Drainage and Utilities, including on-site utilities and connections to utilities in adjacent public ways, which shall conform to all requirements of municipal departments or private utility companies having jurisdiction and to all applicable codes;
  - (b) Stormwater Pollution and Prevention Plan (SWPPP) notes that address mitigation of sedimentation and erosion, including details relating to any temporary drainage basins;
  - (c) Letter from the Project architect confirming that the Project complies with Architectural Access Board (AAB) Regulations;
  - (d) A Final Landscape and Lighting Plan; and
  - (e) A Blasting Plan, if applicable.
10. Prior to starting any activity authorized under this Decision (“Authorized Activity”), the Applicant and the general contractor shall hold a preconstruction meeting with the DPW Director, Building Inspector, Conservation Agent, and Highway Superintendent representative to review this Decision.
11. Prior to starting any Authorized Activity, the Applicant shall provide to the Building Inspector:

- (a) the company affiliation, name, address and business telephone number of the construction superintendent who shall have overall responsibility for construction activities on the Property;
  - (b) a copy of a municipal lien certificate showing that all taxes, assessments and charges due on the Premises have been paid;
  - (c) certification that all required federal, state and local licenses and permits have been obtained;
  - (d) proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any site work;
  - (e) proof that street signage is in place to ensure that emergency personnel can locate the site to provide emergency services; and
  - (f) at least 48 hour written notice. If activity on site ceases for longer than one month, 48 hour written notice shall be given prior to restarting work.
12. During construction, the Applicant shall cause all erosion control measures to be in place and secured. Upon completion of all work on Property and prior to As-Built approval, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations, and the ZBA shall be notified in writing of the final disposition of the materials.
13. Within ninety (90) days of the issuance of the final certificate of occupancy, the Applicant shall submit to the ZBA two sets of As-Built Plans for all infrastructure improvements and, if applicable, evidence of compliance with this Comprehensive Permit and any other permits required for the construction of the improvements contemplated by this Comprehensive Permit. The As-Built Plans shall be provided both in paper form and as AutoCAD plans, in a version approved by the Town Engineer so as to be compatible with the Town Engineer's software and hardware. The site engineer of record shall provide a written description of any material deviations from the Building Permit plans and shall certify that work has been completed in substantial conformance with the Approved Plans.
14. All catch basins and detention basins shall be cleaned at the end of construction. Thereafter, the Applicant shall be responsible for maintaining the site's stormwater management system in accordance with generally accepted practices.
15. A plan to implement adequate erosion and sedimentation control measures as required by any Order of Conditions shall be submitted by the Applicant to the Conservation Agent for approval. Said measures shall be maintained throughout the Project until all disturbed areas have been permanently stabilized with an adequate vegetative or asphalt cover in accordance with the Approved Plans.

16. Any soil testing related to stormwater shall be done by a Massachusetts Registered Professional Engineer in locations confirmed with the ZBA's consulting civil engineer.
17. The Applicant shall be permanently responsible for the following aspects of the Project:
  - (a) all plowing, sanding, and snow removal. Snow shall be piled in designated locations as shown on the Approved Plans or alternate locations acceptable to the Fire Chief. If snow impairs roadways such that the travel area is less than eighteen feet wide, and all designated snow removal locations have been exhausted, the Applicant, at the direction of the Fire Chief, shall cause snow to be transported from the Project to an off-site location for legal disposal;
  - (b) maintaining the site and establishing a regular schedule for site maintenance;
  - (c) repairing and maintaining all on-site roadways, including drainage structures and utilities therein, and the infrastructure within the Project;
  - (d) maintaining all any and all easements shown on the Plans; and
  - (e) site lighting.
18. Prior to issuance of the first certificate of occupancy, the Applicant shall obtain approval from the U.S. Postmaster of any location to be used for mail boxes and parcel delivery.
19. Prior to commencing Authorized Activity, the Applicant's final construction plans shall provide that the construction of the Project shall be performed in accordance with all applicable laws and regulations regarding noise, vibration, dust, sedimentation control and blocking of Town roads. The Applicant shall comply with all such laws and regulations in the construction of the Project. It shall install aprons at entry points and provide for dust control in the form of sweeping and spraying of water whenever necessary.
20. No stumps or construction debris shall be buried or disposed of at the Property.
21. The Applicant shall comply with all local bylaws, rules and regulations not otherwise waived by this Decision.
22. This Comprehensive Permit and any permit granted hereunder is granted to the Applicant and may not be transferred or assigned to any party without the approval of the Subsidizing Agency and notice to the ZBA, as required by 760 CMR 56.05(12)(b).
23. Building construction may begin simultaneously with the commencement of construction of the infrastructure, but no occupancy permit shall issue until compliance with the State Building Code has been achieved. Conversely, the commencement of site work, including earthwork, utilities and infrastructure may occur prior to the commencement of building construction.

## **D. SPECIAL CONDITIONS**

The following recommendations were offered by Hancock Associates in its peer review letter dated November 19, 2025, later revised, and the ZBA hereby imposes them as Conditions:

1. A mylar of an Approval Not Required (ANR) Subdivision has been submitted to the ZBA which serves to create Parcel C on the west and south sides of the abutting lot at 454 East Central Street, intended to be deeded to the owner of 454 Est Central, and Parcel B on the southerly edge of the Property, originally intended to be deeded to the Town as conservation land at the request of the Conservation Commission and Town. The ANR mylar shall be endorsed by the ZBA as a part of this Decision. Subject to and upon the Applicant's purchase of the Property, the Applicant shall provide written notice to the Town. Within 30 days of receiving such notice, the Town shall respond to the Applicant to confirm their desire for Parcel B. If such notice indicates that the Town would like to purchase Parcel B, the Applicant, in a reasonable amount of time, shall deed the parcel to the Town, subject to applicable law. If the Town desires the Applicant to donate Parcel B to the Town, then upon written notice, the Applicant, in a reasonable amount of time, shall deed the parcel to the Town, subject to applicable law. The Applicant shall be responsible to draw up the applicable documentation including a draft of the deed. The transfer shall be at a price of \$1.00. If the Town does not desire Parcel B, does not respond to Applicant's notice within the designated timeframe noted above, and/or does not grant approval for the deeding of Parcel B, the Applicant is not in violation of this condition and shall maintain Parcel B as a part of the Property. Regardless of the Town's determination of Parcel B, no further Town approvals shall be required for the Applicant to deed Parcel C to the owner of 454 East Central.
2. In order to mitigate the visual impact of the project to the neighboring residential property at 39 and 40 Red Gate Lane, the Applicant has revised the plan in the southeast corner of the site to limit the building closest to the easterly property line and neighboring residents at 3 stories, setback from the common property line at least 78 feet and maximizing the retention of mature trees along the easterly property line via incorporating a retaining wall at no closer than 44 feet at an estimated to cost \$100,000.00, inclusion of a 8 feet tall solid stockade style ence no closer than 34 feet and a substantial addition of new proposed buffer trees as depicted on the Landscape Plan (Sheet L2.1) dated October 29, 2025, which is estimated to cost \$35,000.00.
3. Prior to the issuance of a building permit, the Applicant shall prepare a revised parking plan for the area of the 54 and 72 unit buildings in the southeast corner of the site. It appears the parking ratio proximate to these buildings is 1.25 spaces per unit. Given the reduced parking ratio, it is imperative that ample area outside parking areas be available for adequate snow storage. The revised plan shall include snow storage areas that do not decrease the available parking, are located in areas that would promote snow melt into the proposed stormwater system, that comply with any

restrictions imposed by the Conservation Commission, and that total at least 5% of the paved areas on site. Furthermore, in the event snow storage at any time occupies parking spaces or impedes circulation, snow must be removed from the site and disposed of in accordance with applicable regulations. Any landscaping damaged by snow storage shall be replaced each spring. If additional parking is proposed to alleviate congestion or other issues, the ZBA reserves the right to characterize the requested change as “substantial” as defined under 760 CMR 56.07(4).

4. In the event snow storage at any time on site occupies parking spaces or impedes circulation, snow must be removed from the site and disposed of in accordance with applicable regulations. Any landscaping damaged by snow storage shall be replaced each spring.
5. The Applicant shall sweep East Central Street along the extent of the site’s frontage daily during construction.
6. Prior to the commencement of construction, the Applicant shall provide the ZBA with an estimated quantity of total earthwork, as import and/or export anticipated, with number of daily/weekly trucks anticipated, the duration of fill operations, and proposed trucking routes. The requested information will be prepared and submitted by the general contractor in coordination with the geotechnical and civil engineers once the general contractor has been engaged and selected. The Applicant shall provide this information to the Building Department, Public Works Department and Police Department as a part of the site work/grading and/or building permit application(s).
7. Prior to the issuance of a building permit, the Applicant shall provide the sum of \$32,000.00 to the Town to pay for the cost of a study (the scope and cost of which is attached hereto as Exhibit B) evaluating the municipal sewer pump station directly across the street from the Property to determine suitable mitigation by the Applicant. The Applicant shall also, within 90 days of the completion of said study, provide \$150,000 in additional funds to the Town for funding sewer infrastructure upgrades to increase the capacity of the system.

**SEE CONDITION #5, PAGE 23**

8. The Applicant may elect, prior to the issuance of the first certificate of occupancy, to either (i) construct an onsite sewer holding tank for off-peak pumping if the study determines that the Town’s existing sewer infrastructure can accommodate the off-peak pumping without further modifications or upgrades, or (ii) construct an onsite sewer holding tank for off-peak pumping and provide additional funds to the Town for funding those sewer infrastructure upgrades to increase the capacity of the system to accommodate the project’s off-peak pumping flows from the onsite holding tank. Such funds shall not be taken from the \$150,000 fund for sewer infrastructure

upgrades set forth in Condition D. 7, above. The sewer holding tank shall not be considered a substantial change from the Approved Plans.

- 9 Prior to the issuance of a building permit, the Applicant shall submit a revised plan that includes full details of all proposed sewer infrastructure, all proposed utilities, and final landscaping details. The ZBA may reengage civil engineering peer review at the Applicant's expense to review such revised plans.
- 10 The Applicant shall comply with all conditions of the Franklin Conservation Commission set forth in any Order of Conditions.
11. The Applicant shall incorporate a bus shelter onsite at the sole cost of the Applicant. The bus shelter may be located on the east or west side of the driveway and will be approximately 8' x 5' in size (not to exceed approximately 12' x 7'). Bus shelter is anticipated to feature a front yard setback of approximately 20' and a side yard setback of approximately 10'. Bus shelter shall be positioned in such a way as to avoid any blockage of views of the monument sign from East Central Street, and shall be located on the private Property of the Applicant and not within the ROW. Any and all waivers and approvals necessary for the installation of the bus shelter are approved as a part of this Decision including the required, additional waiver for a front yard setback of 20' and for another structure, being said shelter, that requires a waiver for a side yard setback of 10'. Final size, design and location of the bus shelter is at Applicant's sole discretion.

**The following conditions were proposed by VAI, Inc. in its TIAS dated February 2025. The ZBA's consulting transportation engineer, HSH, shall advise the Building Commissioner as may be reasonably necessary, as to whether the Applicant has performed the work set forth below in accordance with any deadlines set forth in the following Conditions.**

**1. Project Access:**

Access to the Project will be provided by way of a driveway that will intersect the south side of Route 140 approximately 150 feet east of the driveway that serves 440 East Central Street (Franklin Medical Center) at the location of the existing easternmost driveway that serves the Project site. The remaining driveways that serve the Project site will be closed in conjunction with the Project. The Project will require the issuance of a State Highway Access Permit from MassDOT for access to East Central Street (Route 140), a State Highway under MassDOT jurisdiction. The following recommendations are offered with respect to the design and operation of the Project site access and internal circulation, many of which are reflected on the Site Plans:

- \* The section of the Project site driveway approaching Route 140 should be a minimum of 24 feet in width and designed to accommodate the turning and maneuvering requirements of the largest anticipated responding emergency vehicle.
- \* Vehicles exiting the Project site should be placed under STOP-sign control with a marked STOP-line provided.

- \* All signs and pavement markings to be installed within the Project site should conform to the applicable standards of the Manual on Uniform Traffic Control Devices (MUTCD).
- \* Sidewalks are proposed within the Project site to link the residential buildings and extend to Route 140, where a sidewalk segment is proposed to be constructed between the Project site driveway and the driveway that serves 440 East Central Street, the current terminus of the sidewalk along the south side of Route 140.
- \* Marked crosswalks are proposed within the Project site where pedestrian crossings are proposed as shown on the Approved Plans that will include Americans with Disabilities Act (ADA)-compliant wheelchair ramps and tactile mats.
- \* Signs and landscaping to be installed as a part of the Project within the intersection sight triangle areas should be designed and maintained so as not to restrict lines of sight.
- \* Snow accumulations (windrows) within sight triangle areas should be promptly removed where such accumulations would impede sightlines.

## **2. Route 140 at Chestnut Street and King Street:**

Overall intersection operations at the Route 140/Chestnut Street/King Street intersection were shown to be maintained at LOS D or better during the peak hours with the addition of Project related traffic; however, operating conditions for left-turn movements on the Route 140 westbound approach were shown to change from LOS D to LOS E during the weekday evening peak-hour and from LOS E to LOS F during the Saturday midday peak-hour as a result of the Project. In order to off-set the predicted impact of the Project at the intersection, the Project proponent will design and implement an optimal traffic signal timing and phasing plan for the weekday evening and Saturday midday/morning peak hours. Although no changes are required during the weekday morning peak-hour and Saturday morning peak hour based on the Project's related traffic, the traffic signal timing and phasing plan will also include the weekday morning peak hours and the Saturday morning peak hours to the extent traffic flows can be potentially further improved at the discretion of the Traffic Engineer performing said study. The cost of this optimal traffic signal timing and phasing plan shall not exceed \$20,000.00, which shall be solely borne by Applicant, and will be completed prior to the issuance of a Certificate of Occupancy for the Project and subject to receipt of all necessary rights, permits, and approvals. As can be seen in the TIAS, with the implementation of an optimal traffic signal timing and phasing plan during the weekday evening and Saturday midday peak hours, motorist delays will be reduced to the extent that operating conditions will be similar to those under No-Build conditions.

## **3. Route 140 Corridor Improvements:**

In an effort to facilitate long-term improvements along the Route 140 corridor between and including the Route 140/Chestnut Street/King Street intersection and the Wrentham town line, the Project proponent will assist the Town to prepare a MassWorks or HousingWorks grant application. This assistance will include the preparation of a Corridor Improvement Study (CIS) with an accompanying conceptual improvement plan and associated preliminary cost estimate for the improvement measures. The CIS will be prepared in coordination with the Town and will be initiated within three months of the issuance of the first Certificate of Occupancy for the Project. The cost of the CIS is not to exceed \$20,000.00 and shall be solely borne by Applicant.

#### 4. Transportation Demand Management:

Regularly scheduled public transportation services are not currently provided within the study area. GATRA operates an on-demand microtransit service that provides same-day transportation services within the Town of Franklin by way of the GATRA GO United program. To the west of the study area, the MBTA provides Commuter Rail service to South Station in Boston on the Franklin Line from Franklin Station, which is located at 75 Depot Street (approximately 1.2 miles from the Project site). Additionally, GATRA provides Dial-a-Ride paratransit services to eligible persons residing within the Town of Franklin who cannot use fixed-route transit all or some of the time due to a physical, cognitive, or mental disability in compliance with the ADA. In an effort to encourage the use of alternative modes of transportation to SOVs, the following Transportation Demand Management (TDM) measures should be implemented as a part of the Project prior to the issuance of the final Certificate of Occupancy:

- \* A transportation coordinator should be designated for the Project, who may have other duties and responsibilities, to coordinate the elements of the TDM program;
- \* The transportation coordinator should facilitate a rideshare matching program for residents to encourage carpooling;
- \* A “welcome packet” should be provided to new residents detailing available public transportation services, bicycle and walking alternatives, and other commuting options;
- \* Information regarding public transportation services, maps, schedules, and fare information should be posted in a central location and/or otherwise made available to residents;
- \* A pick-up/drop-off area or short-term parking should be provided for use by carshare and delivery service providers, as well as Amazon, UPS, and FedEx;
- \* Specific amenities should be provided to facilitate telecommuting, which may take the form of meeting/collaboration spaces, a business office, or similar accommodations;
- \* A central mail room and package delivery station should be provided;
- \* Electric vehicle (EV) charging stations should be provided within the Project site for use by residents; and
- \* Secure bicycle parking should be provided at appropriate locations within the Project site, including weather-protected bicycle parking and exterior bicycle racks situated as shown on the Approved Plans.

#### 5. The Applicant has offered the following condition to mitigate certain traffic related consequences of the Project

QUESTION – does the Board prefer to apply this \$350,000 gift to the sewer improvements set forth on Condition D.7?

1. In an effort to facilitate long-term improvements along the Route 140 corridor between and including the Route 140/Chestnut Street/King Street intersection and the Wrentham town line, the full cost for the engineering of detailed Construction Document Plans and facilitating the improvements through the public construction bidding process, which will effectively put the Town in a position to submit a fully-engineered proposal to the State for a request for funding is estimated to cost \$350,000.00. The Applicant shall contribute

\$350,000.00 to the Town prior to the receipt of the first certificate of occupancy for the Project to help facilitate this effort which is in addition to the mitigation measures Applicant has agreed to in the above Section #3 Route 140 Corridor Improvements, which includes assisting the Town to prepare a MassWorks or HousingWorks grant application and to prepare a Corridor Improvement Study (CIS). Such funds shall be used at the Town's sole discretion for this effort or any other reason deemed appropriate or necessary by the Town as a way to mitigate impacts of this Project.

The total sum due to the Town of Franklin for mitigation as specified in this Decision shall not exceed the sum of \$532,000.

**E. LAPSE.**

1. This Comprehensive Permit shall lapse three years from the date that it takes final effect (i.e., the date that it is filed with the Town Clerk, subject to tolling in the event of any appeal and as provided in 760 CMR 56.05(12)(c)), unless both it is duly recorded and construction on the Project has commenced within such period.

**F. WAIVERS.**

1. The Applicant shall comply with the State Building Code, the Town of Franklin Zoning By-law, and all other local development controls in effect on the date the Application was filed with the ZBA, except as expressly waived herein. Any waiver not expressly granted or not shown on the Approved Plans is not granted. This Comprehensive Permit and the Waivers are expressly conditioned upon compliance with all of the conditions in this Decision.
2. The Board grants Waivers as indicated in Exhibit A.

**G. VALIDITY OF PERMIT.**

This permit shall not be valid until recorded with the Registry of Deeds and evidence of such recording is provided to the Building Inspector and the ZBA. Any person aggrieved by this decision may appeal to a court of competent jurisdiction within 20 days as provided by G.L. c. 40A, § 17 or G.L. c. 40B, § 20 et seq., as applicable.

**FRANKLIN ZONING BOARD OF APPEALS**

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Bruce Hunchard, Chairman

Filed with Town Clerk on December \_\_\_\_, 2025

Sent to Applicant, certified mail, on \_\_\_\_\_

Notices to interested parties mailed on \_\_\_\_\_