

**APPLICATION FOR APPROVAL OF A SITE PLAN
AND SPECIAL PERMIT(S)**

To the Franklin Planning Board:

The undersigned, herewith, submits the accompanying Site Plan entitled "Site Development Plans-Proposed Hotel" and Special Permit(s) for 4 SQ Development LLC and requests approval for under the provisions of the Zoning By-Laws of the Town of Franklin covering Site Plans and Special Permits.

1. Name of Applicant: 4 SQ Development LLC
Address of Applicant: 83 Hartwell Ave., Lexington, MA 02421
Phone No.: (516) 933-5601 Email: jpatel29@gmail.com
2. Name of Owner (if not the Applicant): 725 Union Street, LLC
Address of Owner: 153 Buckskin Drive, Weston, MA 02493
3. Phone No.: _____ Email: _____
4. Name of Engineer: JK Holmgren Engineering, Inc.
Address of Engineer: 1024 Pearl St. Brockton, MA 02031
Phone No.: (508) 583-2595 Email: srogers@jkholmgren.com
1. Deed of Property recorded with Norfolk Registry of Deeds in Book 33499, Page 327, (or Certificate of Title No. _____)
2. Location and Description of Property:
725 Union Street, Franklin, Massachusetts. Consisting of 91,725 square feet of
undeveloped real property.
Zoning District: CII
Assessor's Map: 314 Lot: 16
Square Footage of Building(s): 14,562 S.F.
Impervious Coverage of Existing Upland: 79.6%
3. Purpose of Site Plan:
Construction of a 4 story steel framed 100 room hotel building with associated paved full access/
egress drive and off street parking area to accommodate 100 motor vehicles.
4. Special Permit(s) Requested:
Special Permit to allow hotel/motel use per Sec. 2.5, Part II, 185-Attachement 3;
Special Permit to allow building height up to 4 stories and 50 feet per Sec. 185-Attachment 9

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5. Special Permit Criteria: please provide on a separate document, written findings for special permit criteria a-g for each special permit being requested. Criteria are listed below. Applications will not be accepted until findings are submitted.

Chapter 185, Section 45.E

(3). Findings. Special permits shall be granted by the special permit granting authority 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:

- (a) Proposed project addresses or is consistent with neighborhood or Town need.
 - (b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
 - (c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.
 - (d) Neighborhood character and social structure will not be negatively impacted.
 - (e) 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.
 - (f) 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.
 - (g) 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.
6. Other issues requiring Planning Board Consideration: Requesting a waiver for the number of parking spaces pursuant to Sec. 185-21A(4).
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7. A certified list (by Office of the Assessors) of abutters within 300 feet of the site is also submitted with the application.
8. Certificate of Ownership.



Signature of Applicant

4 SQ DEVELOPMENT, LLC

Print Name of Applicant

Signature of Owner

725 Union Street, LLC

Print Name of Owner

COMMONWEALTH OF MASSACHUSETTS
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NORFOLK, ss.

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IN RE: Special Permit to Allow Hotel Use and Special Permit to Allow Building Height of up to Fifty (50.00') Feet within the Commercial II District
LOCUS: 725 Union Street, Franklin, Massachusetts 02038

**MEMORANDUM IN SUPPORT OF APPLICATION FOR SPECIAL PERMIT TO
ALLOW HOTEL USE AND SPECIAL PERMIT TO ALLOW BUILDING HEIGHT OF
UP TO FIFTY (50.00') FEET WITHIN THE COMMERCIAL II DISTRICT**

LOCUS HISTORY

1. **Relevant District.** The subject real property is located wholly within the Commercial II (CII) zoning district and within the Franklin DEP Approved Zone II.
2. **Location.** The Locus consists a single parcel of undeveloped land totaling approximately 91,725 square feet in area (Franklin Assessor Map 314-016-000), bordering Union Street on its northern boundary, Interstate 495 on its southern boundary, the Silver Maple Commons mixed use commercial property on its western boundary and an existing three story hotel on its eastern boundary (subject property is referred to herein as the "Locus").
3. **Current Use/Permitting History.** Despite previous grants of various site planning approvals for three previous development projects awarded to predecessors in title, which include an office building and the most recent approval for a senior living complex in 2007, the Locus currently remains undeveloped. The existing site appears to have been clear cut at some point. The existing vegetation is secondary growth and weed trees and scrubby vegetation. The site slopes in a southwesterly direction and the elevations range from 369 at the northeast corner to 361 at the southwestern corner. Existing Drainage Easements are located to the south and west of the site.
4. **Proposed Use/Construction.** The petitioner proposes the construction of a four (4) story steel framed one hundred room hotel building (footprint 14,562 SF/total area 58,248 SF) with a bituminous paved unrestricted access entrance/egress driveway from Union Street to newly constructed off-street paved parking

areas to accommodate 100 motor vehicles. New utility services are included in the development, as the Locus has access to the public water service and sewer service, natural gas, telephone, electrical and data services. Also planned for the development would be the introduction of a contemporary above ground drainage system serving the Locus designed to attenuate peak flows that would exceed the 100-year storm event which would include appropriate treatment of post construction storm water runoff and storm water recharge, along with associated contemporary landscaping and lighting all as shown on the site plan entitled, "Site Development Plans - Proposed Hotel" prepared by J. K. Holmgren Engineering, Inc., (the "Plan") a copy of which has been filed along herewith.

5. Zoning Tabulation CBD District: Commercial II - Required/Proposed.

OVERALL LOT INFORMATION	Required	Proposed
Required Lot Area (sq.ft.)	40,000 s.f.	+91,725 s.f.
Required Lot Frontage (feet)	175.00'	+240.48'
Max. Lot Coverage by Structures/Paving	80%	%*
Max Building Height	4 stories/50'**	4 stories/<50'
Lot Width	157.50'	240.00'
Lot Depth	200.00'	456.00'
Front Setback	40.00'	41.00'
Side Setback	30.00'	32.50'
Rear Setback	30.00'	57.61'
Parking (spaces)	113	100***

*Impervious coverage within the WORD of up to 80% is allowed provided in a non-residential zone and an application for site plan approval have been filed pursuant to §185-36 and §185-40.

**Within the CII zone building height of four stories and up to 50 feet is allowed by special permit of the Franklin P.B. pursuant to §185-Attachment 9.

***The number of required parking spaces may be reduced below that determined by the Bylaw by the Planning Board in the course of site plan review pursuant to §185-21A(4).

PRESENT PETITIONER/APPLICATION

6. Petitioner/Owner. The present petitioner is 4 SQ DEVELOPMENT LLC, a Massachusetts limited liability company with a usual place of business at 83 Hartwell Avenue, Lexington, Massachusetts 02421. The present owner of the Locus is 725 Union Street, LLC, a Massachusetts limited liability company with a usual place of business at 153 Buckskin Drive, Weston, Massachusetts 02493.

7. **Requested Action.** The present application before the Board requests approval of the following:

a. SPECIAL PERMIT under Attachment 3, Use Regulations Schedule, Part II, 2.1 of §185 of the Code of the Town of Franklin to allow hotel use within the Commercial II (CII) zoning district as shown on the Plan, as may be amended.

b. SPECIAL PERMIT under Attachment 9, of §185 of the Code of the Town of Franklin to allow building height up to four (4) stories and fifty (50') feet within the Commercial II (CII) zoning district as shown on the Plan, as may be amended.

8. **Local Permits and Approvals.** In addition to the aforementioned SPECIAL PERMITS, the petitioner has also received, or is contemporaneously seeking the following permits and approvals in connection with the present development proposal of the Locus:

(a) Notice of Intent filed seeking an Order of Conditions from the Franklin Conservation Commission.

SPECIAL PERMIT APPROVAL

9. **Special Permit Approval Requirements under Section 185-45(E)(3).** Section 185 45(E)(3) of the Zoning By-Laws, states in part:

Findings. Special permits shall be granted by the special permit granting authority 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. The determination shall be in addition to the following: [Amended 3-25-1987 by Bylaw Amendment 87-91; 3-21-2012 by Bylaw Amendment 12-669]

- (a) *Proposed project addresses or is consistent with neighborhood or Town need.*
- (b) *Vehicle traffic flow, access and parking and pedestrian safety are properly addressed.*
- (c) *Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.*
- (d) *Neighborhood character and social structure will not be negatively impacted.*
- (e) *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.*
- (f) *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.*

(g) *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.*

CONDITIONS FOR APPROVAL UNDER SECTION 185-45(E)(3)

10. Satisfaction of Condition for Approval 185-45(E)(3)(a).

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

The proximate location to the adjacent Interstate 495 make the Locus uniquely desirable for a hotel development as proposed by the petitioner. Excepting the location of the multi-family residential development known as Spruce Pond Condominium, the Locus' neighborhood is characterized by properties currently being utilized for commercial/retail purposes, most notably the neighboring property to the immediate east of the Locus where there is a ninety-five room hotel. Additionally, the height of the building proposed by the petitioner would be consistent with the recent decision of the Franklin Town Council to amend the Zoning Bylaw of the property to allow for increase in building height up to four (4) stories and fifty (50') feet by special permit of the Planning Board for properties being developed within the Commercial II Zoning District (See Franklin Zoning Bylaw Amendment 18-818). The development being proposed by the Petitioner would result in a significant increase to the the real estate tax base and provide additional hotel tax of approximately \$300,000.00 annually to the Town of Franklin.

11. Satisfaction of Condition for Approval 185-45(E)(3)(b).

(b) Vehicle traffic flow, access and parking and pedestrian safety are properly addressed.

The proposed development includes the construction of an unrestricted access drive with a minimum driveway width of twenty-four (24') feet to connect to Union Street. Upon entry to the developed site, patrons would be directed to a prominent porte cochere at the main entrance to the building located at the north eastern facing side of the building, adjacent to the entry along Union Street, for safe and efficient off-loading of baggage and check-in. The proposed development shall also include a bituminous paved parking area to accommodate 100 motor vehicles (1 space per hotel room), along with new pedestrian walkways providing safe access to the points of entry/egress of the proposed building. The layout of the primary access drive and paved travel corridors proposed for the development have been designed to accommodate both emergency and service vehicles, providing full access to all sides of the proposed building.

12. Satisfaction of Condition for Approval 185-45(E)(3)(c).

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

The Locus has immediate access to Union Street, a public way with standard roadway width for two way motor vehicle travel. The Locus is conveniently located within six hundred (600') feet to the signalized intersection at Union and King Streets, which would then afford timely access to the access ramps for north and southbound travel along Interstate 495. According to the Traffic Assessment and Impact Letter completed by Vanasse & Associates, Inc., dated March 12, 2018, "[w]hen dispersed over the day or on a peak-hour basis, the additional traffic that may be associated with the hotel development proposal (approximately one (1) additional vehicle every 2-3 minutes during the peak hours) would not result in a significant impact (increase) on motorist delays or vehicle queuing over either the assisted living facility or the office development programs that were approved for the Project site." The Locus has access to the public water service and sewer service, natural gas, telephone, electrical and data services. New water and sewer services being proposed shall be constructed according to current standards thereby reducing the chance of infiltration and contamination. A stormwater management system has been designed in compliance with the Massachusetts Stormwater Management Policy and the Town of Franklin Best Development Practices Guidebook to the maximum extent practicable. The proposed stormwater management system will reduce stormwater runoff peak flow rates and volumes, and improve runoff water quality. The stormwater management measures proposed for the development will have no adverse impacts to resource areas or adjacent properties. Runoff quantity will be reduced and water quality enhanced over existing conditions resulting in an overall benefit to the surrounding area. See Drainage Calculations and Stormwater Management Plan prepared by J. K. Holmgren Engineering, Inc.

13. Satisfaction of Condition for Approval 185-45(E)(3)(d).

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

The proposed development of the Locus will not have any detrimental effect to the neighborhood character or social structure. The Locus is located in a primarily commercial area within the town and would serve as a buffer between the Interstate 495 located to the west and the residential neighborhood located to the north. The proposed development will be served by municipal water and sewer service, private rubbish collection. The planned improvements to the Locus would result in compliance with all minimum sight distances and set back requirements.

14. Satisfaction of Condition for Approval 185-45(E)(3)(e).

(e) 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.

There are no State Regulated Wetlands within the Locus or within 100' of the Locus boundaries. See Wetland Report by LSC Environmental Consulting dated December 12, 2017. However, the site is within 100' of an existing stormwater basin located to the rear of the existing hotel located to the south of the Locus. There are no other resource areas (Aquifer protection, NHESP estimated habitat, FEMA flood zone, etc.) mapped for the Locus. The proposed building will be served by municipal sewer to minimize degradation of the groundwater by nitrates and phosphates. The proposed development would improve water quality with the completion of a closed drainage system, which will include deep sumps, hooded catch basins, infiltration basins with forebays. The stormwater management system has been designed to meet or exceed the requirements established in the Massachusetts Stormwater Handbook and by the Town of Franklin. According to the Drainage Calculations and Stormwater Management Plan prepared by J. K. Holmgren Engineering, Inc., the proposed stormwater design will improve the existing conditions and have no adverse impacts to any resource areas. The drainage system is designed to meet the MA DEP stormwater management standards and will provide sufficient treatment of runoff. In addition to seeking approval of a special permit/site plan approval before the Planning Board, the petitioner shall also be contemporaneously seeking an order of conditions from the Franklin Conservation Commission for any construction activities within the delineated buffer zones of the aforementioned stormwater basin.

15. Satisfaction of Condition for Approval 185-45(E)(3)(f).

(f) 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 proposed building has been located on the Locus meeting, or in many instances exceeding, all minimum site distances and set back requirements of the town of Franklin Zoning Bylaw, and as such the proposed development will not result in abutting properties being deprived of light or fresh air circulation. Although the building is planned to be four stories and up to fifty (50') feet in height, the height will be comparable to the adjacent Hampton Inn site due to the topographic change and the proposed retaining wall. Further, that abutting properties will not be exposed to flooding or subjected to excessive noise, odor, light,

vibrations or airborne particulates. The petitioner has incorporated Best Management Practices (BMP's) to meet the Department of Environmental Protection Stormwater Management runoff quality requirements. The proposed drainage serving the proposed development has been designed to attenuate peak flows exceeding the 100-year storm event and infiltrate after appropriate water quality pre-treatment, and shall handle the post construction storm water runoff and storm water recharge. All exterior lighting for the proposed Locus has been designed so as to comply with all regulations restricting the projection of light off of the premises.

16. Satisfaction of Condition for Approval 185-45(E)(3)(g).

(g) 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 town of Franklin water system pumps 3-4 million gallons of water each day. The estimated peak usage for the planned hotel use would be approximately eleven thousand (11,000 GPD) gallons per day. According to information and belief, the water demand for this proposed Locus would be less than three tenths of one (<0.3%) percent of the pumping capacity to the Town's water system, and thus this proposed water flow would not adversely affect the Town's water supply.

WHEREFORE, the Petitioner respectfully requests that the Board grant a SPECIAL PERMIT to Allow Hotel Use within the Commercial II District and a SPECIAL PERMIT to Allow Building Height of up to Four (4) stories, and Fifty (50.00') Feet within the Commercial II District as shown the Plan, as may be amended

Dated: October 25, 2018

Respectfully submitted,
4 SQ DEVELOPMENT LLC
By its Attorneys,

Richard R. Cornetta, Jr.

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