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PLANNING DEPT.

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

To the Franklin Planning Board:

The undersigned, herewith, submits the accompanying Site Plan entitled "FRANKLIN BREWING COMPANY LIMITED SITE & SPECIAL PERMIT" and Special Permit(s) for 158 GROVE STREET 46 OLIVIER EDOUARD 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: Franklin Brewing Company LLC, c/o Olivier Edouard  
Address of Applicant: 8 Brian Road Franklin, MA. 02038  
Phone No.: 617.650.5914 Email: Olivier.I.edouard@gmail.com

2. Name of Owner (if not the Applicant): Grove Street Realty Trust  
Address of Owner: 7 Uncas Brook Row, Franklin, MA.  
Phone No.: 781.551.8888 ex.16 Email: dl@athenticre.com

3. Name of Engineer: Guerriere & Halnon, Inc.  
Address of Engineer: 55 West Central St. Franklin, MA. 02038  
Phone No.: 508.528.3221 Email: acavaliere@gandhengineering.com

1. Deed of Property recorded with Norfolk Registry of Deeds in Book 10619, Page 514, (or Certificate of Title No.                     )

2. Location and Description of Property:  
Existing building located on Grove Street. Stand alone single story industrial/flex property situated on approx. 1 acre built in 1997.

Zoning District: Industrial Zone

Assessor's Map: 306 Lot: 1

Square Footage of Building(s): 7200

Impervious Coverage of Existing Upland: 25,901 sf. (60.1%)

3. Purpose of Site Plan:  
Change in Use- Expanding leased area an additional 1,440 sf. (formerly RT Engineering Warehouse)

4. Special Permit(s) Requested:  
To expand the square footage of the Tasting Room., complying with the Certificate of Vote allowing a maximum seating of 39 seats per the Board of Health

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TOWN OF FRANKLIN  
TOWN CLERK

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

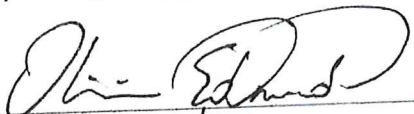
(3). Findings. Special permits shall be granted by the special permit granting authority only upon its written determination that the proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of 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: \_\_\_\_\_

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

  
\_\_\_\_\_  
Signature of Owner

Olivier Edouard

Print Name of Applicant



Print Name of Owner

CERTIFICATE OF OWNERSHIP

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I the undersigned Applicant, do hereby certify to the Town of Franklin, through its Planning Board, that all parties of interest to the below-listed plan are identified in Section B: below,

SECTION A:

Type of Plan (circle one)      ANR 81-P; Preliminary Subdivision

Definitive Subdivision.; Limited  
Site Plan;      Special Permit

Title of Plan: FRANKLIN BREWING COMPANY LIMITED SITE PLAN  
AND SPECIAL PERMIT PLAN 150 GROVE STREET FRANKLIN, MA.

Date of Plan: FEB. 21, 2020      Assessor's Information: A.M. 306 Lot 1

Prepared by: Guerriere & Halnon, Inc.

Applicant Name & Address: Franklin Brewing Company LLC  
8 Brian Road  
Franklin, MA 02038

SECTION B:

Name of Record Owner(s): Grove Street Realty Trust

Address of Record Owner(s): 7 Uncas Brook Row

Franklin, MA 02038

**\*\*Attach Property Deed matching the owner name's listed above.**

\*If in the name of a Trust, Corporation or Partnership, list the names and addresses of all Trustee(s), Corporate Officer(s) or Partner(s):  
Albert Lewis and Dee Lewis

\*If in the name of a Trust or Corporation, list the Beneficiary(ies) of the Trust or the Shareholder(s) of the Corporation:

Al Dee Lewis

\*If in the name of a Trust or Corporation, list the date, county, book and page of recording of the Trust Instrument, or the date and State of incorporation:



Executed as a sealed instrument this 18<sup>th</sup> day of February 2020

[Signature]  
Signature of Applicant

Olivier Edouard  
Print name of Applicant

[Signature]  
Signature of Owner

AL Lewis  
Print name of Owner

COMMONWEALTH OF MASSACHUSETTS

Norfolk ss.

2020

On this 18<sup>th</sup> day of February 2020, before me, the undersigned notary public, personally appeared Olivier Edouard / Albert Lewis (name of owner), proved to me through satisfactory evidence of identification, which were MOL to be the person whose name is signed on the preceding document in my presence.

[Signature]  
(Official signature and seal of notary)

Notary Public:

My Commission Expires: \_\_\_\_\_



JOANNE M. TALAMINI  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires February 13, 2026

Chapter 185, Section 45E Special Permit Criteria  
Limited Site Plan Modification and Special Permit  
Franklin Brewing Company, LLC  
158 Grove Street  
Franklin, Massachusetts

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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.

*A Special Permit and Site Plan for 158 Grove Street with a proposed use to operate a brewery with a tasting room was approved by the Planning Board on July 8, 2019. The intent of the proposed project is consistent with the neighborhood. The intent is to expand the Franklin Brewing Company footprint to the abutting area consisting of approximately 1,440 +/- sf.*

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

*Vehicular traffic flow, access and parking and pedestrian safety have been properly addressed under the previous approval and no exterior improvements are proposed with the expansion.*

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

*No improvements proposed with expansion as the space will be utilized for additional warehouse and production space. Public roadways, drainage, utilities and other infrastructure are adequate to accommodate the proposed expansion.*

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

*Neighborhood character and social structure will not be negatively impacted. The additional footprint will be utilized for storage/warehouse for the brewery.*

- (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.

*Not anticipated*

- (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.

*Not anticipated. See live music proposal attached.*

- (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.

*Increase to water consumption or wastewater use is not anticipated.*



F-4280-1  
**Special Permit Modification Application**  
**Operate a Brewery with Tasting Room**  
**For**  
**Franklin Brewing Company, LLC – 158 Grove Street**  
**February 27, 2020**

***Applicant:*** Franklin Brewing Company, LLC, 8 Brian Road Franklin, Massachusetts  
***Owner:*** Grove Street Realty Trust, c/o Albert Lewis, 7 Uncas Brook Row, Franklin  
Massachusetts

**Request for Special Permit approval: §185-Use Regulation Schedule Part III 3.13.**

To allow by Special Permit Modification to amend the Certificate of Vote that was approved July 8, 2019 by the Planning Board for the Franklin Brewing Company, LLC. On behalf of the Applicant, we are proposing to amend the project description and hours of operation, as well as Special Condition of Approval No. 5 to allow live entertainment under the Amended Special Permit as shown on the Plan entitled: **"Franklin Brewing Company Special Permit and Limited Site Plan for Change In Use Plan of Land 158 Grove Street Franklin Massachusetts dated February 21, 2020"** prepared by Guerriere & Halnon, Inc, 55 West Central Street Franklin, MA 02038.

**SPECIAL PERMIT APPROVAL**

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

*Criteria: 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 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.*  
*See Attached*  
*See Attached Findings – Separate Document*
- (b) *Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.*  
*See Attached Findings – Separate Document*
- (c) *Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.*  
*See Attached Findings – Separate Document*
- (d) *Neighborhood character and social structure will not be negatively impacted.*  
*See Attached Findings – Separate Document*

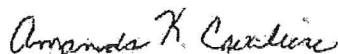
(e) Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication, or compensatory measures are adequate.  
***See Attached Findings – Separate Document***

(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.  
***See Attached Findings – Separate Document***

(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.  
***See Attached Findings – Separate Document***

**WHEREFORE,** The Applicant respectfully requests that the Planning Board grant to amend the SPECIAL PERMIT to allow revisions to the project description and hours of operation, as well as Special Condition of Approval No. 5 to allow live entertainment under the Amended Special Permit as shown on the Plan entitled: "Franklin Brewing Company Special Permit and Limited Site Plan for Change In Use Plan of Land 158 Grove Street Franklin Massachusetts dated February 21, 2020" prepared by Guerriere & Halnon, Inc. 55 West Central Street Franklin, MA 02038.  
Dated: **February 27, 2020**

Respectfully Submitted,



Amanda K. Cavaliere  
Office Manager, Franklin  
Guerriere & Halnon, Inc  
55 West Central Street  
Franklin, MA 02038

(508) 528-3221



## **Proposal for Live Music Entertainment**

### **Introduction**

67 Degrees Brewing is seeking to offer live musical entertainment in its taproom. Musical entertainment at 67 Degrees Brewing taproom will enhance the experience of our patrons which has become a staple of breweries across New England and around the country. The light instruments that will be used will produce minimal noise impact to abutters due to 67 Degrees Brewing's: 1) location; 2) hours of operation; and 3) instituting noise management policies and procedures.

### **Location**

67 Degrees Brewing is located on a major roadway in the Industrial District where there are no abutting residences in the area but only industrial properties. The nearest residential property is located more than 2600 feet in either direction from 67 Degrees Brewing. As such, noise emanating from 67 Degrees Brewing will not have detrimental impacts on abutters.

Sound from a non-amplified acoustic guitar is 80 decibel (DB) which is similar to a telephone dial tone, hence it is very unlikely anyone would be able to hear or discern sound coming from the brewery.

### **Hours of Operation**

67 Degrees Brewing's peak business hours will take place outside of the ordinary business hours of the surrounding businesses. 67 Degrees Brewing's business hours are the following:

Tuesday -Friday: 4:30pm - 10pm

Saturday: 12pm – 10pm

Sunday: 12pm – 7pm

Weekday performances will typically begin after 5pm, further reducing the impact of noise emanating from the property.

### **Noise Management Policies and Procedures**

Though 67 Degrees Brewing is not located in close proximity to other residential properties, 67 Degrees Brewing will take measures to ensure that the noise level at the facility is reasonable. The maximum noise level for a modern acoustic guitar is around 80 decibels (dB) (Robinson, 2008). The noise level of a singer singing loudly is 70dB, a piano approximately 70dB, and violin around 72dB (Eastern Kentucky University, 2018).

Multiple sound sources may increase the noise level created, depending on the number of sources, their relative volume, and the ambient area. (Engineering Toolbox, 2003).

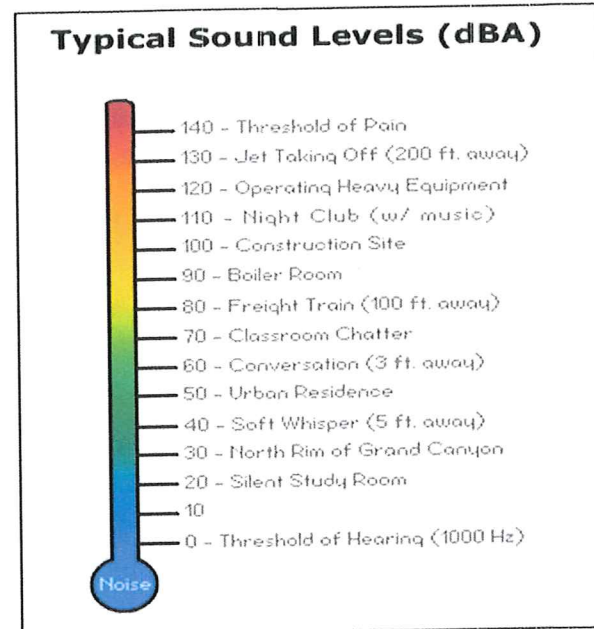
For example, music or sound in a metropolitan or downtown area are amplified at a greater level due to vehicular traffic, wind, surrounding activities, etc. than in a contained venue like a brewery, restaurant, or warehouse.

The figures below illustrate typical noise levels and demonstrate how the noise level of multiple sound sources is calculated (Engineering Toolbox, 2003).





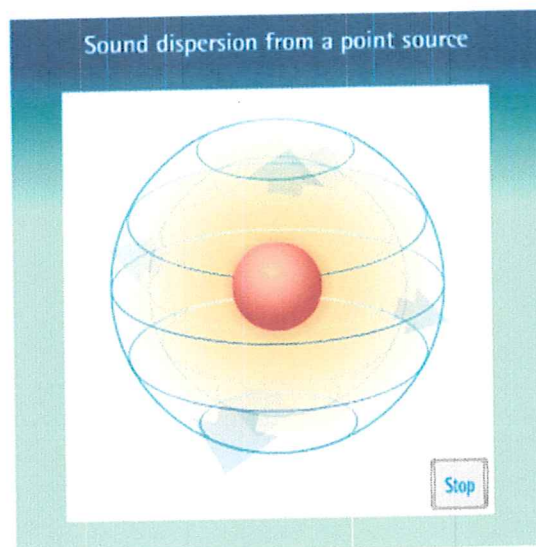
Number of Sources	Increase in sound Power Level
2	3
3	4.8
4	6
5	7
10	10
15	11.8



For example:

Adding the noise level of a piano (70 dB), a singer (70 dB) and an acoustic guitar (80 dB) would yield a total noise level of 80.8 dB.

Sound level decreases with distance meaning the decibel level decreases as the sound travels away from its source; this reduction is called attenuation (See figure below). A noise level emanating from a point source decreases by 6 dB per doubling of a distance away from its source. Hence a 80.8 noise level would decrease 3 dB every 100 feet from its source.



Further, the Massachusetts Department of Environmental Protection by code requires all commercial buildings mitigate a noise source by 10 dB at the nearest residence or building.



To put it simply, it would be nearly impossible for light live entertainment to cause any noise nuisance to nearby businesses or neighbors.

67 Degrees Brewing proposes to implement the following policies pertaining to live musical performances:

- All musical acts will stop performing by 9:30, 30 minutes before the proposed closing hour of 10:00pm.
- All necessary permits for live entertainment will be obtained through Town Administration and all live musical performances will abide by the Town's noise ordinance.

In conclusion, we kindly ask the Planning Board to allow live musical entertainment because it will produce minimal impact on abutters due to 67 Degrees Brewing's: 1) location; 2) hours of operation; and 3) noise management policies and procedures.



FRANKLIN BREWING  
COMPANY

## **REFERENCES**

Massachusetts Department of Environmental Protection; Local Regulation of Dust, Noise, Odor, Smoke; <https://www.mass.gov/lists/massdep-air-quality-policies-guidance#local-regulation-of-dust-noise-odor-&-smoke->

Noise Sources and Their Measurement

<https://www.who.int/docstore/peh/noise/Comnoise-2.pdf>

OSHA; How loud is too loud; <https://www.osha.gov/SLTC/noisehearingconservation/loud.html>

Yale University; Decibel level comparison Chart; <https://ehs.yale.edu/sites/default/files/files/decibel-level-chart.pdf>

Robinson, Jacob. "Good Vibrations: A Study of Sound Pressure as a Function of Strum Force in Acoustic Guitars." Brigham Young University, 2008

School of Music, Eastern Kentucky University. "EKU Music Health and Safety Manual." Eastern Kentucky University, 2018

Engineering Toolbox. (2003). *Adding Decibels*. [https://www.engineeringtoolbox.com/adding-decibel-d\\_63.html](https://www.engineeringtoolbox.com/adding-decibel-d_63.html)

Center for Hearing and Communication. (2018). *Common Environmental Noise Levels* <https://chchearing.org/noise/common-environmental-noise-levels/>