## Town of Franklin

355 East Central Street Franklin, Massachusetts 02038-1352



Phone: (508) 520-4907 www.franklinma.gov

#### DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

#### **MEMORANDUM**

**DATE:** December 11, 2023

**TO:** Franklin Planning Board

FROM: Department of Planning and Community Development

**RE:** 86 Populatic St

Special Permit & Site Plan

The DPCD has reviewed the above referenced Special Permit application for the Monday, December 18, 2023 Planning Board meeting and offers the following commentary:

#### **General:**

- 1. The site is located at 86 Populatic Street in the Rural Residential Zoning District.
- 2. The Applicant has filed a Special Permit for short term rentals for her residential home.
- 3. A Special Permit is required under Section 185 Attachment 3, 2.21– Bed and Breakfast

#### **Comments:**

1. The Building Commissioner has required that a Special Permit is needed to use the house for rental.

#### **ROLE CALL VOTE:**

This determination shall be in addition to the following specific findings:

If you vote NO on any of the following, please state reason why you are voting NO:

- (1) Special Permit: To allow Section 185 Attachment 3, 2.21– Bed and Breakfast:
- (a) Proposed project addresses or is consistent with neighborhood or Town need.

Gregory Rondeau	YES	NO	Jennifer Williams	YES	NO
Jay Mello	YES	NO	Beth Wierling	YES	NO
Chris Stickley	YES	NO	_		

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

Gregory Rondeau	YES	NO	Jennifer Williams	YES	NO
Jay Mello	YES	NO	Beth Wierling	YES	NO
Chris Stickley	YES	NO	_		

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

Gregory Rondeau	YES	NO	Jennifer Williams	YES	NO
Jay Mello	YES	NO	Beth Wierling	YES	NO
Chris Stickley	YES	NO			

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

Gregory Rondeau	YES	NO	Jennifer Williams	YES	NO
Jay Mello	YES	NO	Beth Wierling	YES	NO
Chris Stickley	YES	NO			

(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.

Gregory Rondeau	YES	NO	Jennifer Williams	YES	NO
Jay Mello	YES	NO	Beth Wierling	YES	NO
Chris Stickley	YES	NO			

(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.

Gregory Rondeau	YES	NO	Jennifer Williams	YES	NO
Jay Mello	YES	NO	Beth Wierling	YES	NO
Chris Stickley	YES	NO			

(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.

Gregory Rondeau	YES	NO	Jennifer Williams	YES	NO
Jay Mello	YES	NO	Beth Wierling	YES	NO
Chris Stickley	YES	NO			

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.

Gregory Rondeau	YES	NO	Jennifer Williams	YES	NO
Jay Mello	YES	NO	Beth Wierling	YES	NO
Chris Stickley	YES	NO	-		

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

To the Franklin Planning Board:

under	The undersigned, herewith, submits the accompanying Site Plan entitled  ecial request to rent out wouse "and Special  i(s) for renting (Short term rentals) using VACA-shid requests approval for the provisions of the Zoning By-Laws of the Town of Franklin covering Site Plans and
	al Permits.
1.	Name of Applicant: Kim Duprey  Address of Applicant: 86 Populatic St, Franklin MA 02038  Phone No. (413) 218-0212 Email: Kouprey 07@ yahoo.com
2.	Name of Owner (if not the Applicant):
	Address of Owner:
	Phone No.: Email:
3.	Name of Engineer:
	Address of Engineer:
	Phone No.: Email:
1.	Deed of Property recorded with Norfolk Registry of Deeds in Book, Page, (or Certificate of Title No)
2.	Location and Description of Property:
	Zoning District: RR1  Assessor's Map: Lot:
3.	Purpose of Site Plan:
4.	Special Permit(s) Requested: Requesting approval to vert out my single family home using rental company - Vacasa

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.	Is this a Multifamily Development, if Yes, does it fall under MGL Ch 40A, Section 9, if Yes, please explain:
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

Print Name of Applicant

Print Name of Owner

185 Attachment 9

# Schedule of Lot, Area, Frontage, Yard and Height Requirements

P. Cabelle		Minimum Lot	t Dimensions		Minimur	Minimum Yard Dimensions	ensions	Maximum Buil	Maximum Height of Building	Maximum Coverage Upl	Maximum Impervious Coverage of Existing Upland
District	004	Continuous	Donth	Lot Width	Front	Side	Rear	Stories	Feet	Structures	Structures
	(square feet)	(feet)	(feet)	circle diameter)	(feet)	(feet)	(feet)				Plus Paving
Rural Residential I	40,000	200	200	1804	40	40	40	3	35	20	25
Residential VI	40,000	200	200	1804	40	40	40	3	35	20	
Residential VII <sup>11</sup>	40,000	200	200	1804	40	40	40	3	35	20 12	25 12
Rural Residential II	30,000	150	200	1354	04	35	35	3	35	25	35
Single Family Residential III	20,000	125	160	112.5	40	25	30	3	35	30	35
Single Family Residential IV	15,000	100	100	06	30	20	20	3	35	30	35
General Residential V	10,000	100	100	90	20	15	20	3	40	30	35
Neighborhood Commercial	18,000	100	100	90	20	30	40	3	35	30	35
Rural Business 13	40,000	200	200	180	40	30	40	1.5	30	10	30
Downtown Commercial	5,000	50	90	45	510	0	15	39	40%	80	06
Commercial I <sup>7</sup>	5,000	50	50	45	201	$0^2$	15	36	406	06	100
Commercial II	40,000	175	200	157.5	40	30	30	3	40	70	80
Business	20,000	125	160	112.5	40	20	30	3	40	70	80
Industrial	40,000	175	200	157.5	40	302	30°	30	1	70	80
Limited Industrial	40,000	175	200	157.5	40	308	308	36	400	70	08
Office	40,000	100	100	06	20	305	302	36	406	70	80

Setbacks: No structure or pole carrying overhead wires shall be put up within 60 feet nor shall a billboard be erected within 100 feet of right-of-way which is 75 feet or more.

# NOTES:

But no new structure shall be required to provide a deeper yard than that existing on that parcel upon adoption of this amendment.

requirement

<sup>&</sup>lt;sup>2</sup> Increase to 20 feet when abutting a residential district.

See definition of Upland §185-3, §185-36. Impervious Surfaces and §185-40. Water Resource District.

Within open space developments (see § 185-43), the lot width must be met for individual lots shall be no less than 1/2 those required within the underlying district.

<sup>5</sup> Increase by the common building height of the structure, when abutting a residential use.

<sup>&</sup>lt;sup>6</sup> Up to 5 stories and/or 60 feet, whichever is greater, may be permitted by a special permit from the Planning Board.

Permitted residential uses must observe requirements of General Residential V District for residential use building only. Mixed use buildings are exempt from this

<sup>8</sup> Increase by 1.5 the common building height of a structure, when abutting a residential district or use.

Up to 4 stories and/or 50 feet, whichever is less, may be permitted by a Special Permit from the Planning Board provided the structure is set back at least 15 feet from frontage.

<sup>10</sup> Minimum 5' setback required on first floor, street level; upper floors can overhang required first floor set back.

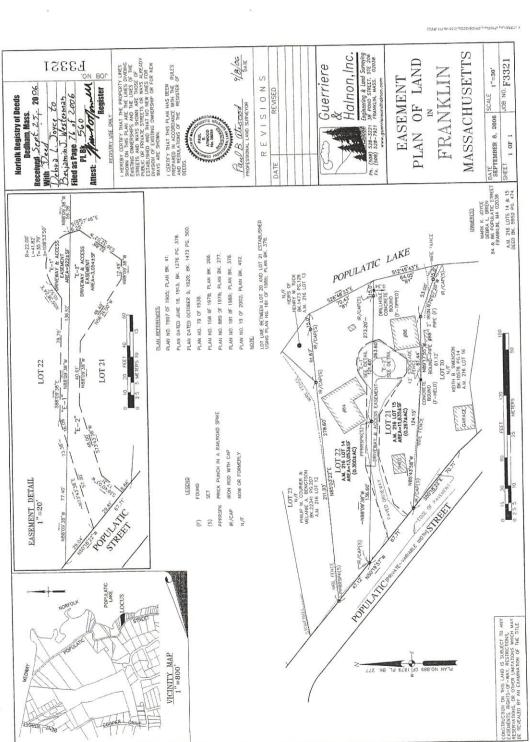
<sup>&</sup>quot; See §185-50.

<sup>12</sup> Total impervious surface in the upland shall be no more than 50% if a special permit for multiple, single-family dwelling units is granted in RVII.

<sup>13</sup> Maximum gross building footprint of non-residential primary use structures is 3,500 square feet

	Iment shall take effect in accordance with the Franklin ts General Law Chapter 40A, Section 5.
DATED:, 2016	VOTED:
	UNANIMOUS
A True Record Attest:	YES NO
	ABSTAIN
Teresa Burr	
Town Clerk	ABSENT
	Judith Pond Pfeffer, Clerk





BOARD OF ASSESSORS

TOWN OF FRANKLIN NOV 15 2006

260-76-06



## 300 foot Abutters List Report

Franklin, MA October 02, 2023

#### Subject Property:

Parcel Number:

216-015-000

CAMA Number:

216-015-000-000

Property Address: 86 POPULATIC ST

Mailing Address:

DUPREY KIM

86 POPULATIC ST

FRANKLIN, MA 02038

Abutters:

Parcel Number: CAMA Number: 216-009-000

216-009-000-000

Property Address: 78 POPULATIC ST

Parcel Number: CAMA Number: 216-010-000 216-010-000-000

Property Address: POPULATIC ST

Parcel Number:

216-011-000

CAMA Number:

216-011-000-000

Property Address: 80 POPULATIC ST

Parcel Number: CAMA Number: 216-012-000

Property Address: 82 POPULATIC ST

216-012-000-000

Parcel Number:

216-014-000

CAMA Number:

216-014-000-000 Property Address: 84 POPULATIC ST

Parcel Number: CAMA Number:

216-016-000 216-016-000-000

Property Address: 88 POPULATIC ST

Parcel Number:

216-017-000

CAMA Number:

216-017-000-000 Property Address: 90 POPULATIC ST

Parcel Number:

216-018-000 CAMA Number:

Property Address: 92 POPULATIC ST

216-018-000-000

Parcel Number: CAMA Number:

216-019-000 216-019-000-000 Property Address: 94 POPULATIC ST

Parcel Number: **CAMA Number:** 

216-020-000 216-020-000-000 Property Address: 96 POPULATIC ST Mailing Address:

KONEY THOMAS R

33A CURVE ST

MEDFIELD, MA 02052-2500

Mailing Address:

CONRAD DAVID A TR SUCH CONRAD REALTY TRUST SUCH, THOMAS J TR

79 POPULATIC ST

FRANKLIN, MA 02038-1012

Mailing Address:

FITZGERALD DAVID TR 2023 FITZGERALD FAM REV TRUST

80 POPULATIC ST

FRANKLIN, MA 02038

Mailing Address:

HOGAN ESTHER M WOOD TRACEY L

82 POPULATIC ST FRANKLIN, MA 02038

Mailing Address:

ALVARADO JESSE ALVARADO ALYSSA

84 POPULATIC ST FRANKLIN, MA 02038

Mailing Address:

SWENSON KEITH B 88 POPULATIC ST FRANKLIN, MA 02038

Mailing Address:

PAPAKYRIKOS GREGORY S

90 POPULATIC ST FRANKLIN, MA 02038

Mailing Address: VAN DAM ROBERT J 92 POPULATIC ST

FRANKLIN, MA 02038

Mailing Address: KELTY NATASHA N

94 POPULATIC ST FRANKLIN, MA 02038

Mailing Address:

ORTIZ JUAN ROBERTO 96 POPULATIC ST

FRANKLIN, MA 02038





## 300 foot Abutters List Report

Franklin, MA October 02, 2023

Parcel Number:

216-021-000

CAMA Number:

216-021-000-000

Property Address: 98 POPULATIC ST

Parcel Number: CAMA Number: 216-022-000

Property Address: 100 POPULATIC ST

216-022-000-000

Parcel Number:

216-037-000

CAMA Number:

216-037-000-000 Property Address: 91 POPULATIC ST

Parcel Number:

216-038-000

CAMA Number: Property Address: 87 POPULATIC ST

216-038-000-000

Parcel Number:

216-039-000

CAMA Number: Property Address: 83 POPULATIC ST

216-039-000-000

Parcel Number:

216-040-000

CAMA Number:

216-040-000-000

Property Address: 79 POPULATIC ST

Parcel Number: CAMA Number:

218-056-000 218-056-000-000 Property Address: POPULATIC ST

Mailing Address: ANTONELLI CHRISTOPHER

98 POPULATIC ST

FRANKLIN, MA 02038

Mailing Address:

KARAS RICHARD H KARAS ALICIA Z

100 POPULATIC ST

FRANKLIN, MA 02038

Mailing Address: LEWIS STEVEN C TR THE MMD REALTY

TRUST

91 POPULATIC ST FRANKLIN, MA 02038

Mailing Address:

PLONOWSKI JOHN LACIVITA CAROL L

87 POPULATIC ST FRANKLIN, MA 02038

Mailing Address:

CAMPBELL THOMAS J CAMPBELL

YVONNE M

83 POPULATIC ST FRANKLIN, MA 02038

Mailing Address:

CONRAD DAVID A TR SUCH CONRAD

REALTY TRUST SUCH, THOMAS J JR TR

79 POPULATIC ST FRANKLIN, MA 02038

Mailing Address:

POPULATIC LAKE ASSOC C/O

CHAMBERLIN PHILIP G 27 POPULATIC ST FRANKLIN, MA 02038

### Findings-

- a. Yes, renting my house is consistent with neighborhood or town need.
- b. There is the appropriate vehicular traffic flow. There is access and plenty of off-street parking.
  There is "parking signs" visible for the guests.
- c. Public roadways, drainage and utilities are adequate. Will only allow 4 guests at a time to limit the amount of water, sewer, etc. being used.
- 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.
- f. Number, height, bulk, location and siting of building will not result in abutting properties being deprived or light or fresh air circulation. There will not be excessive noise, odor, light, vibrations, or airborne particulates. I have fenced in deck which eliminates noise. I will also be notifying the guests that there will be no parties, and the max number of guests will be 4.
- 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.



# COUNTY OF NORFOLK COUNTY OF PRESIDENTS REGISTRY OF DEEDS

NORFOLK REGISTRY DISTRICT OF THE LAND COURT

July 2, 2020

Kim Duprey 86 Populatic Street Franklin, MA 02038

Dear Friend of the Registry:

Enclosed please find a copy of the deed to your property recently recorded at the Norfolk County Registry of Deeds. Please keep this copy as part of your records for personal reference. For further security and convenience, your original deed has been digitally scanned and is contained in our computer system for instant retrieval.

Please note the Norfolk County Registry of Deeds is one of the registries that still mails back original documents. Your original will be sent back to the address requested at the time of recording by the filer of this document. The Norfolk County Registry of Deeds produces record books that are available at the Registry building from these original documents.

If you would like to stay up to date on upcoming Registry of Deeds events, programs and real estate information you can sign up for our Registry email updates at <a href="https://www.norfolkdeeds.org">www.norfolkdeeds.org</a>, like us on Facebook® at <a href="https://www.facebook.com/norfolkdeeds">www.facebook.com/norfolkdeeds</a> or follow us on Twitter® at <a href="https://www.twitter.com/norfolkdeeds">www.twitter.com/norfolkdeeds</a>. Our Customer Service Center is also available to assist you at 781-461-6101.

It is a pleasure to serve you as Register of Deeds of Norfolk County.

Sincerely yours,

William P. O'Donnell Register of Deeds

Enclosures - 37827-565

Bill O' Jonnell

649 HIGH STREET, DEDHAM, MASSACHUSETTS 02026 TELEPHONE: 781-461-6116 FAX: 781-326-4246 EMAIL: registerodonnell@norfolkdeeds.org

www.norfolkdeeds.org

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#### QUITCLAIM DEED

We, Ernest Savoie and Alexandra L. Simone, a married couple, of Franklin, Massachusetts

For consideration paid and in full consideration of THREE HUNDRED AND FIVE THOUSAND (\$305,000.00) Dollars

Grant to Kim Duprey, individually, of 86 Populatic Street, Franklin, MA 02038

#### WITH QUITCLAIM COVENANTS

The land and buildings located at: 86 Populatic Street, Franklin, MA 02038 and being more particularly described as follows:

The land in Franklin, Norfolk County, Massachusetts, together with the buildings thereon, being Lot 21 as shown on a plan entitled "Map of Lake Front Lots in Franklin, Mass. Belonging to Populatic Lake Land Co." recorded with Norfolk Registry of Deeds in Plan Book 41 as Plan 1907. Lot 21 is further bounded and described as follows:

Northerly by Lot 22 on the aforesaid plan, 273.2 feet;

Northeasterly by Populatic Lake, 69 feet, more or less;

Southerly by Lot 20 on the aforesaid plan, 224 feet, more or less; and

Southwesterly by Populatic Street, shown on the aforesaid plan as Hillside Avenue, 67 feet, according to said plan.

Subject together with whatever rights may exist in the traveled way presently known as Populatic Street.

Reserving for the benefit of Lot 22 the right to use that portion of the driveway and access easement as shown on the Plan entitled "Easement Plan of Land in Franklin, Massachusetts", dated September 6, 2006, and recorded with the Norfolk County Registry of Deeds in Plan Book 560, Page 76 of 2006, which is located on Lot 21, for all purposes for which driveways are used in the Town of Franklin.

Granting to the owner of Lot 21 the right to use that portion of the driveway and access easement as shown on the above referenced plan which is located on Lot 22 for all purposes for which driveways are used in the Town of Franklin.

The owners of Lots 21 and 22 shall be equally responsible for the costs of the driveway and access easement to include but not limited to plowing, sanding, paving and repaving. Both

parties must agree to incur any expenses related to the "driveway and access easement". Both parties agree that they will not park along the driveway in a manner such that it would block access by the other party.

Reserving for the benefit of lot 22, the right to bring water and sewer lines across that portion of Lot 21, which is bounded and described as follows:

Beginning at a point on the easterly side of Populatic Street at the intersection of Lots 21 and 22 as shown on the above referenced plan;

Thence South 50° 18 minutes 22 seconds East, 29.04 feet along Populatic Street to a point;

Thence North 73° 43 minutes 38 seconds East through a lot 2157.30 feet to a point at the boundary line of Lot 22;

Thence North 88° 09 minutes 38 seconds West, 774.40 feet along the boundary line between Lots 21 and 22 to the point of beginning.

Also reserving the right to bring water and sewer lines through the portion of the "driveway and access easement" which is located on Lot 22. The owner of Lot 22 shall have the right to install, maintain, repair and replace these utility lines from time to time. Any areas disturbed during the installation, maintenance, repair or replacement shall be restored to their original condition as soon as possible.

Subject to all liens, encumbrances and outstanding taxes and other municipal charges.

Grantors hereby release any and all rights of homestead and hereby state that no other persons are entitled to any benefits of an existing estate of homestead.

Being the same premises conveyed to Grantor(s) by Deed dated December 27, 2018 recorded with Norfolk County Registry of Deeds in Book 36527, Page 263.

WITNESS my hand and seal this 24th day of April 2020.

Alexandra L. Simone

#### THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

April 24, 2020

On this 24th day of April, 2020, before me, the undersigned notary public, personally appeared **Alexandra L. Simone**, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public:

My Commission Expires:

MICHAEL E. HEALEY
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
March 11, 2022

# Town of Franklin

355 East Central Street Franklin, Massachusetts 02038-1352



Phone: (508) 520-4907 www.franklinma.gov

The following notice will be published in the Milford Daily Newspaper once on Monday, December 4, 2023 and again on December 11, 2023

# FRANKLIN PLANNING BOARD PUBLIC HEARING NOTICE

In accordance with the Town of Franklin Zoning By-Laws, the Franklin Planning Board will hold a public hearing at the Town Hall (and can also be attended remotely) on **Monday, December 18, 2023 at 7:00 PM** in the Town Council Chambers of the Franklin Municipal Building, 355 East Central Street, for a Special Permit and Site Plan application submitted to the Department of Planning & Community Development on November 16, 2023, by Kim Duprey, Franklin, MA.

The property is located at 86 Populatic Street in the Rural Residential I Zoning District (Assessors Map 216, Lot 15). The applicant is applying for one (1) Special Permit under Chapter 185, Attachment 3-2.21: Bed and Breakfast Requirements.

<u>Please note:</u> This will be your only written notice of this public hearing. Should the Planning Board vote to continue this Public Hearing, the date and time will be posted on the Planning Board's website under Agendas.

Please contact the Department of Planning & Community Development at (508) 520-4907 if you require further information or if you need to make arrangements to provide translation services for the hearing impaired, or for persons with language barriers.

Copies of the plan and supporting documentation may be reviewed in the Department of Planning & Community Development during regular office hours.

Greg Rondeau, Chairman