

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: April 17, 2024
TO: Franklin Planning Board
FROM: Department of Planning and Community Development
RE: Balsam Estates
Preliminary Subdivision Plan

General:

1. The Applicants have submitted a Preliminary Subdivision Plan to create 4 buildable lots and a roadway located at the end of Kimberlee Ave.
2. The application was submitted on March 29, 2024 and the Planning Board has 45 days to render a decision.
3. The Applicant previously submitted the same plan on September 5, 2023 and withdrew the Plan on December 18, 2023.

Waivers Requested:

1. Section 300-10 (D) grades (1)(2)(3) cut/fill – fill to exceed 5' maximum where a maximum of 5ft is required.
2. Section 300-10 (C)(1) Streets- to reduce pavement width to 22ft where 26 ft is required.
3. Section 300-10 (E) Dead end Streets – to extend the roadway 446' beyond existing Kimberlee Ave having a length of 1,400ft where 600ft maximum is required.
4. Section 300-13 – other Improvements, Sidewalk – to install no sidewalks where two sidewalks are required.
5. Section 300-10 Streets – Curbing – to allow modified cape cod berm where slant granite curb is required.

Comment:

1. Applicant should provide a plan without any waivers.
2. The Applicant will also need the following waiver
 - a. Section 300-10.E.1 states that “The right-of-way radius will be 60 feet... and all pavement will be kept within the right-of-way
3. A letter has been provided by Fire expressing the concern with the length of the dead end street.
4. Planning Board will need to make a decision by May 8, 2024, unless the Applicant provides an extension.



FRANKLIN FIRE DEPARTMENT

To : DPCD

FROM : J. S. BARBIERI, DEPUTY FIRE CHIEF

DATE : 10 APRIL 2024

RE : SUBDIVISION PLAN – BALSAM ESTATES

Thank you for the opportunity to review the above referenced plan.

We met with the proponent back in August of 2023. The proposed relocation of the fire hydrant is satisfactory.

The concern brought to the proponent's attention at this meeting was that this subdivision plan would be an issue with the dead end street being beyond 600 feet. In years past the Fire Department has not supported long roadways with only one means of entrance and egress as this is a significant impediment to public safety. Roadways which lack a secondary means of ingress or egress can seriously impact the ability of first responders during times of natural disaster. A simple tropical storm or winter storm with snow or debris can hamper access to the entire development. This can block the egress of residents and trap them in harm's way without any secondary means of egress. Further, routine activities such as propane or oil delivery could, in time of emergencies effectively block access to the development for emergency responders.

Kimberlee Ave was built prior to the 600 feet dead-end street by-law. This proposal would extend the existing dead-end street over 1400 feet from Maple Street. The dead-end would also be more than 825 feet from Madison Ave. Extending this street even further past what it is now would make it even more nonconforming to the by-law and the standard the town has set. Also, this would only exacerbate the issues noted above.

We appreciate the Planning Board taking this information into consideration when evaluating this request. Please contact me should you have any questions or require any additional information.

cc: file

FORM B
APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

To the Planning Board of Franklin:

The undersigned herewith submits the accompanying Preliminary Plan of a Subdivision entitled Balsam Estates for approval under the provisions of the Subdivision Control Law and your Rules and Regulations covering the subdivision of land.

1. Name of Applicant: Joel D'Errico
Address of Applicant: 72 Deer View Way, Franklin, MA 02038
Phone No.: 508-439-0022 Email: joelwderrico@gmail.com

Lorena R. Fitzgerald Trustee of the
2. Name of Owner (if not the Applicant): Fitzgerald Family Irrevocable Trust
Address of Owner: 656 King Street Apt 112, Franklin MA 02038
Phone No.: _____ Email: _____
3. Name of Engineer: Guerriere & Halnon, Inc.
Address of Engineer: 55 West Central Street, Franklin, MA 02038
Phone No.: 508-528-3221 Email: mhassett@gandhengineering.com
4. Deed of Property recorded with Norfolk Registry of Deeds in Book 35754 Page 562, (or Certificate of Title No. _____)
5. Location and Description of Property: vacant parcel located easterly side of
Kimberlee Avenue
Assessor's Map & Lot: 242-027-000-000
6. No. of Lots: 4


Signature of Applicant

JOEL D'ERRICO
Print Name of Applicant


Signature of Owner

Mark Fitzgerald
Print Name of Owner

A certified list (by Office of the Assessors) of abutters within 300 feet of this site is also submitted with said Application.

RECEIVED

2024 MAR 29 A 11: 58

TOWN OF FRANKLIN
TOWN CLERK

CERTIFICATE OF OWNERSHIP

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.; Site Plan; Special Permit

Title of Plan: Preliminary Subdivision Plan of Land Balsam Estates

Date of Plan: September 5 2023
Last Rev. 10/6/2023 Assessor's Information: 242-027-000-000

Prepared by: Guerriere & Halnon, Inc.

Applicant Name & Address: Joel D'Errico 72 Deer View Way,
Franklin, MA 02038

SECTION B:

Name of Record Owner(s): Lorena R. Fitzgerald Trustee of the Fitzgerald
Family Irrevocable Trust

Address of Record Owner(s): 656 King Street Apt 112
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):

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

*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:

Fitzgerald Family Irrevocable Trust dated August 22, 2006
Norfolk County Registry of Deeds Bk 24064 Page 423

Executed as a sealed instrument this

21st

day of

March

2024

[Signature]
Signature of Applicant

JOGL D'ERRICO
Print name of Applicant

[Signature]
Signature of Owner

Mark Fitzgerald
Print name of Owner

COMMONWEALTH OF MASSACHUSETTS

Norfolk ss.

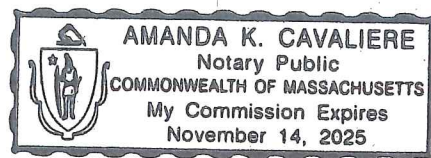
2024

On this 21st day of March 2024, before me, the undersigned notary public, personally appeared Mark W. Fitzgerald (name of owner), proved to me through satisfactory evidence of identification, which were MA License to be the person whose name is signed on the preceding document in my presence.

Amanda K. Cavaliere
(Official signature and seal of notary)

Notary Public:

My Commission Expires: Nov. 14, 2025



Town of Franklin

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PLANNING BOARD

The following notice will be published in the Milford Daily Newspaper once on Monday, April 8, 2024 and again on Monday, April 15, 2024

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, April 22, 2024 at 7:00 PM** in the Town Council Chambers of the Franklin Municipal Building, 355 East Central Street, for a Preliminary Subdivision application titled "Balsam Estates" prepared by Guerriere & Halnon, Inc., Franklin, MA, and submitted to the Department of Planning & Community Development on March 29, 2024, by Joel D'Errico, Franklin, MA.

The property is located in the Rural Residential II Zoning District (Assessors Map 242 Lot 27) at the end of Kimberlee Avenue. The applicant is proposing to construct a 4-lot subdivision.

Please note: 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