

# 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:** November 28, 2023  
**TO:** Franklin Planning Board  
**FROM:** Department of Planning and Community Development  
**RE:** Balsam Estates  
Preliminary Subdivision Plan

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#### General:

1. The Applicants have submitted a Preliminary Subdivision Plan to create 4 lots and a roadway located at the end of Kimberlee Ave.
2. The application was submitted on September 5, 2023. The Applicant has provided an extension until December 31, 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.

#### Comments:

1. Applicant has submitted a letter and a property locus plan.
2. Applicant has not submitted any revised plans for the preliminary subdivision.
3. The Planning Board requested a plan without any waivers to be shown for the subdivision.
4. The Planning Board asked that the roadway be constructed per Subdivision rules and regulations.

The Applicant has provided 2 subdivisions plans, one with less waivers and one with the waivers listed above.





# FRANKLIN FIRE DEPARTMENT

To : DPCD

FROM : J. S. BARBIERI, DEPUTY FIRE CHIEF

DATE : 19 OCTOBER 2023

RE : SUBDIVISION PLAN – BALSAM ESTATES

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

We met with the proponent back in August. 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

Members of the Franklin Planning Board  
Gregory Rondeau , Chairman  
Beth Wierling , Vice Chairman  
Jennifer Williams , Clerk  
Jay Mello  
Christopher Stickney

Nov. 27,2023

Balsam Estates  
Dec. 4 Hearing

Dear Planning Board Member,

Enclosed is the property locus for the Town Owned Land formerly the LaBastie property now known as " MAPLE HILL" The premises is approximately 70 Acres with adjoining Metacomet Land to the north west. Presently the legal access points for the public are Hancock Road off Partridge St. Deer View Way (Highland Estates) High Ridge Circle (a strip I left) and Bridle Path off Lincoln St.

At present there is no legal access off Maple St for the "Maple Hill" I will provide for a" non motorized pedestrian easement" from Balsam Estates once approval is received . The walking trails that were made by Henry LaBastie years ago are quite extensive and truly enjoyable. We have been using them off Deer View for decades.

Regarding the matter of roadways , Kimberlee would be the shortest of all the points to enter as you can see. In the last 3 weeks I have been in conversation with 2 retired Franklin Firemen . Mr Charles Bailey retired after 20 Years on the FFD as a Fireman and EMT. He informed me all the ambulances are 4 Wheel Drive and there are chainsaws on trucks. Mr Bailey stated he has brought women in Labor to hospitals during Whiteout Conditions without incidents whatsoever.

The 2nd retired Fireman is Lt Daniel Lewis . Lt Lewis spent 36 Years on the Department, and stated during his time there every call has been serviced without access or time delays due to weather conditions of any kind. Feel free to speak with them if you wish.

While I hold deep respect for all Municipal Dept Heads and Employees I take exception to a memo you may have received. It's a dramatic exaggeration.

The last 2 Natural events of high magnitude where the Hurricane of 1938 and the Blizzard of 78'. Within 30 hours, Franklin's roadways were passable in 78.

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The benefits of of the Balsam Estates Approvals are:

1. Walking Trail Access for the Public
2. New Growth for the town of Franklin
3. Increase in Property Values for the Neighborhood
4. Income for an Elderly Property Owner
5. \$40,000 contribution by me to the Franklin Food Pantry
6. Higher Municipal Property Assessments over time.

I still favor a private roadway for Balsam with no maintenance ever for the town in perpetuity . This is your decision as a Board. I can tell you that if you invested \$5,000. in VISA STOCK in 2008 its worth \$76,000 today more than enough for a topcoat 3-4 decades from now. This can easily be set up and added to. The above mathematical example is online .

Thank you for your time and I look forward to seeing you on Dec. 4th

Very Truly Yours,



Joel D'Errico  
72 Deer View Way



# "BALSAM ESTATES"

## Preliminary Subdivision (Minimal Waivers) Plan of Land Franklin, Massachusetts

### OCTOBER 6, 2023

#### ABUTTERS WITHIN 300'

Abutters List  
Date: July 17, 2023  
Subject Property ID: 242\_027  
Search Distance : 300 Feet

242\_034  
MAGLIARI FELICE N.  
MAGLIARI SHELBY  
14 MADISON AVE  
FRANKLIN, MA 02038

242\_024  
GROVE PHILIP H  
GROVE DARLENE A  
28 KIMBERLEE AVE  
FRANKLIN, MA 02038

242\_029  
COLE MARK D  
COLE SUSAN M  
25 KIMBERLEE AV  
FRANKLIN, MA 02038

242\_047  
LATOUR MATTHEW DENIS  
LATOUR CAITLIN ELIZABETH  
25 MADISON AVE  
FRANKLIN, MA 02038

234\_012  
TOWN OF FRANKLIN  
355 EAST CENTRAL ST  
FRANKLIN, MA 02038

242\_033  
GRADY KEVIN T  
GRADY SUZANNE M  
10 MADISON AVE  
FRANKLIN, MA 02038

235\_142  
KATHLEEN LABASTIE TRUST  
469 MAPLE ST  
FRANKLIN, MA 02038

242\_048  
CEDARHOLM MATTHEW R  
CEDARHOLM TARA A  
21 MADISON AV  
FRANKLIN, MA 02038

242\_028  
LECHTER JOSH & ERIN  
35 KIMBERLEE AV  
FRANKLIN, MA 02038

242\_030  
MORANDI JEFFREY & DEBORA  
21 KIMBERLEE AVE  
FRANKLIN, MA 02038

242\_038  
MARINO DARREN  
MARINO ROSEANNE  
26 MADISON AVE  
FRANKLIN, MA 02038

242\_032  
THOMAS POWDERLY LIVING  
TRUST  
6 MADISON AVE  
FRANKLIN, MA 02038

242\_026  
BRADY CHRISTOPHER B  
BRADY LISA B  
36 KIMBERLEE AV  
FRANKLIN, MA 02038

242\_049  
JONES EUGENE P  
JONES LISA A  
17 MADISON ST  
FRANKLIN, MA 02038

242\_025  
KESSLER AMY B  
32 KIMBERLEE AV  
FRANKLIN, MA 02038

242\_050  
MAHONEY FAMILY LIVING TRUST  
11 MADISON AV  
FRANKLIN, MA 02038

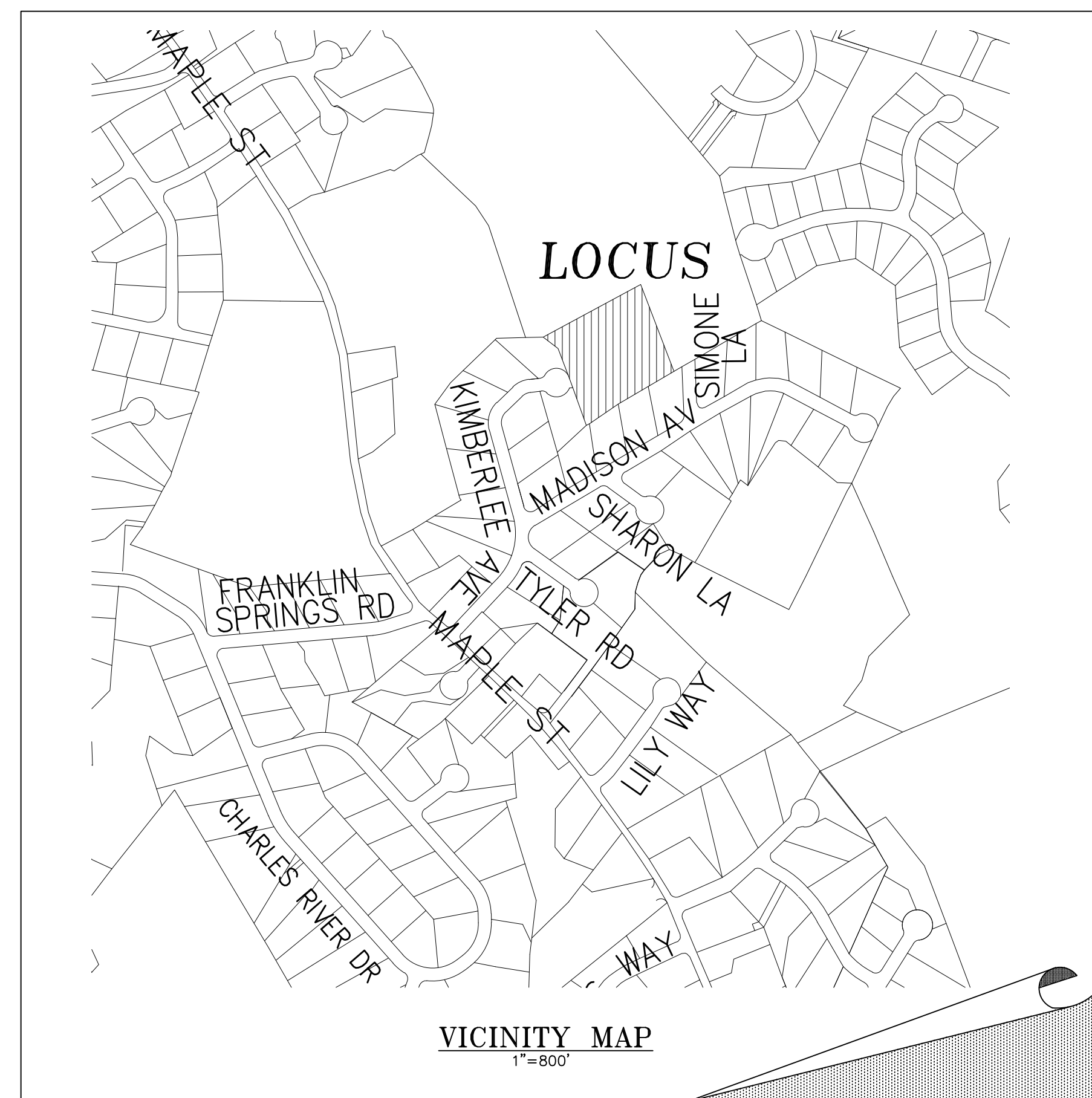
242\_037  
GRIFFINSEAN & KARLY  
22 MADISON AVE  
FRANKLIN, MA 02038

242\_031  
MONISHA KALLIANPUR REVOC  
TRUST  
4 MADISON AVE  
FRANKLIN, MA 02038

242\_036  
WROBLESKI KENT  
18 MADISON AVE  
FRANKLIN, MA. 02038

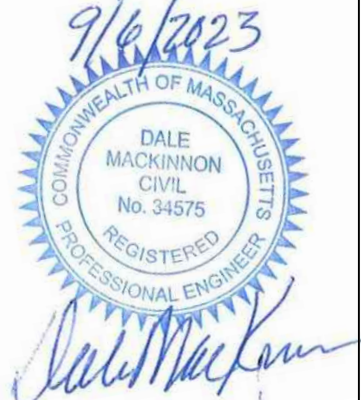
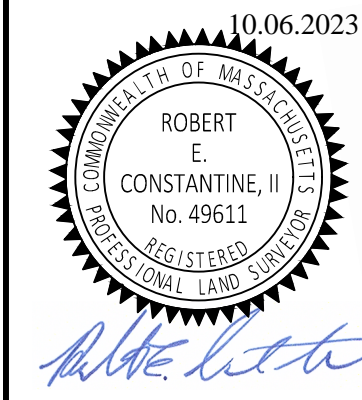
242\_053  
O'BRIEN DAVID S  
O'BRIEN LISA A  
5 MADISON AV  
FRANKLIN, MA 02038

242\_035  
WROBLESKI KENT &  
BETRO KENDRE  
18 MADISON AVE  
FRANKLIN, MA 02038



#### INDEX

1. COVER SHEET
2. EXISTING CONDITIONS
3. LOTTING PLAN
4. SITE DEVELOPMENT PLAN



F4631

#### LEGAL NOTES

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENT MARKINGS AND OTHER OBSERVED EVIDENCE. FOR A VIEW OF THE UNDERGROUND UTILITIES, ONE SHOULD BE CONSIDERED APPROXIMATE. MAKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE KNOWN. COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD DOCUMENTS OR OBSERVED PHYSICAL EVIDENCE, MAY BE OBSERVED BY CONTRACTORS (IN ACCORDANCE WITH MASS. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG-SAFE(7233).

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

#### OWNER

LORENA R. FITZGERALD  
441 MAPLE STREET  
FRANKLIN, MA 02039

A.M. 242 LOT 27  
DEED BK. 35754 PG. 562

#### APPLICANT

JOEL D'ERRICO  
72 DEERVIEW WAY  
FRANKLIN, MA 02038

PRELIMINARY SUBDIVISION  
(MINIMAL WAIVERS)  
PLAN OF LAND  
BALSAM ESTATES  
FRANKLIN MASSACHUSETTS

#### COVER

OCTOBER 6, 2023

DATE	REVISION DESCRIPTION

**Guerriere & Halon, Inc.**  
ENGINEERING & LAND SURVEYING  
55 WEST CENTRAL ST. PH. (508) 528-3221  
FRANKLIN, MA 02038 FX. (508) 528-7921  
www.gondhengineering.com

SHEET 1 OF 4

JOB NO. F4631



**PLAN REFERENCES**

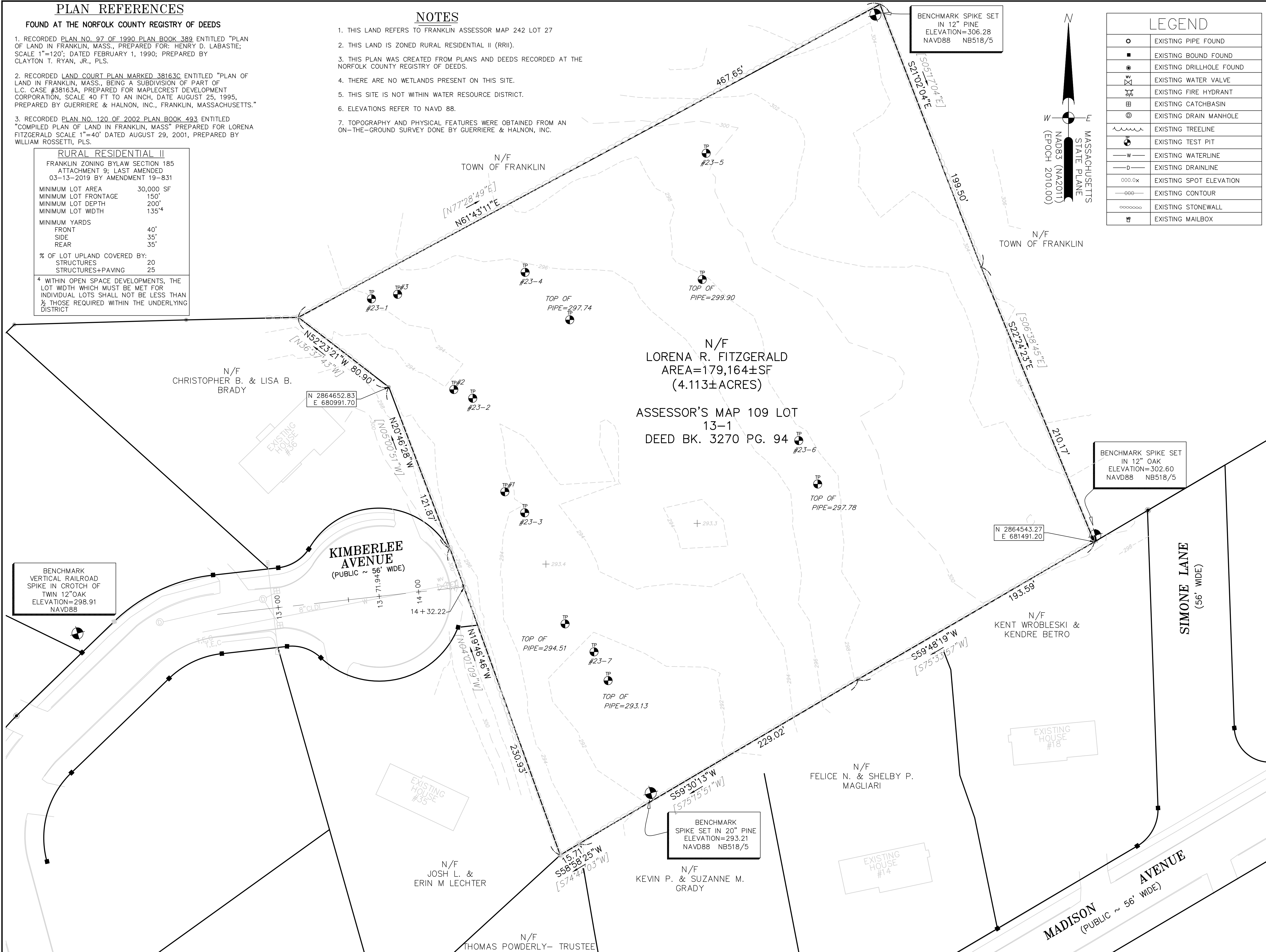
FOUND AT THE NORFOLK COUNTY REGISTRY OF DEEDS

1. RECORDED PLAN NO. 97 OF 1990 PLAN BOOK 389 ENTITLED "PLAN OF LAND IN FRANKLIN, MASS., PREPARED FOR: HENRY D. LABASTIE, SCALE 1"=120', DATED FEBRUARY 1, 1990; PREPARED BY CLAYTON T. RYAN, JR., PLS.
2. RECORDED LAND COURT PLAN MARKED 38163C ENTITLED "PLAN OF LAND IN FRANKLIN, MASS., BEING A SUBDIVISION OF PART OF L.C. CASE #38163A, PREPARED FOR MAPLECREST DEVELOPMENT CORPORATION, SCALE 40 FT TO AN INCH, DATE AUGUST 25, 1995, PREPARED BY GUERRIERE & HALNON, INC., FRANKLIN, MASSACHUSETTS."
3. RECORDED PLAN NO. 120 OF 2002 PLAN BOOK 493 ENTITLED "COMPILED PLAN OF LAND IN FRANKLIN, MASS" PREPARED FOR LORENA FITZGERALD SCALE 1"=40' DATED AUGUST 29, 2001, PREPARED BY WILLIAM ROSSETTI, PLS.

RURAL RESIDENTIAL II	
FRANKLIN ZONING BYLAW SECTION 185 ATTACHMENT 9; LAST AMENDED 03-13-2019 BY AMENDMENT 19-831	
MINIMUM LOT AREA	30,000 SF
MINIMUM LOT FRONTAGE	150'
MINIMUM LOT DEPTH	200'
MINIMUM LOT WIDTH	135' <sup>4</sup>
MINIMUM YARDS	
FRONT	40'
SIDE	35'
REAR	35'
% OF LOT UPLAND COVERED BY:	
STRUCTURES	20
STRUCTURES+PAVING	25
<sup>4</sup> WITHIN OPEN SPACE DEVELOPMENTS, THE LOT WIDTH WHICH MUST BE MET FOR INDIVIDUAL LOTS SHALL NOT BE LESS THAN 1/2 THOSE REQUIRED WITHIN THE UNDERLYING DISTRICT	

**NOTES**

1. THIS LAND REFERS TO FRANKLIN ASSESSOR MAP 242 LOT 27
2. THIS LAND IS ZONED RURAL RESIDENTIAL II (RRII).
3. THIS PLAN WAS CREATED FROM PLANS AND DEEDS RECORDED AT THE NORFOLK COUNTY REGISTRY OF DEEDS.
4. THERE ARE NO WETLANDS PRESENT ON THIS SITE.
5. THIS SITE IS NOT WITHIN WATER RESOURCE DISTRICT.
6. ELEVATIONS REFER TO NAVD 88.
7. TOPOGRAPHY AND PHYSICAL FEATURES WERE OBTAINED FROM AN ON-THE-GROUND SURVEY DONE BY GUERRIERE & HALNON, INC.



**LEGEND**

○	EXISTING PIPE FOUND
■	EXISTING BOUND FOUND
●	EXISTING DRILLHOLE FOUND
⊗	EXISTING WATER VALVE
⊕	EXISTING FIRE HYDRANT
⊞	EXISTING CATCHBASIN
⊚	EXISTING DRAIN MANHOLE
—	EXISTING TREELINE
⊖	EXISTING TEST PIT
—w—	EXISTING WATERLINE
—d—	EXISTING DRAINLINE
000.0x	EXISTING SPOT ELEVATION
—000—	EXISTING CONTOUR
—o—o—o—	EXISTING STONEWALL
⊞	EXISTING MAILBOX

10.06.2023

ROBERT E. CONSTANTINE, II  
REGISTERED PROFESSIONAL LAND SURVEYOR  
No. 49611

DALE MACKINNON  
REGISTERED PROFESSIONAL ENGINEER  
No. 34576

F4631

**LEGAL NOTES**

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A.M. 242 LOT 27  
DEED BK. 35754 PG. 562

**APPLICANT**

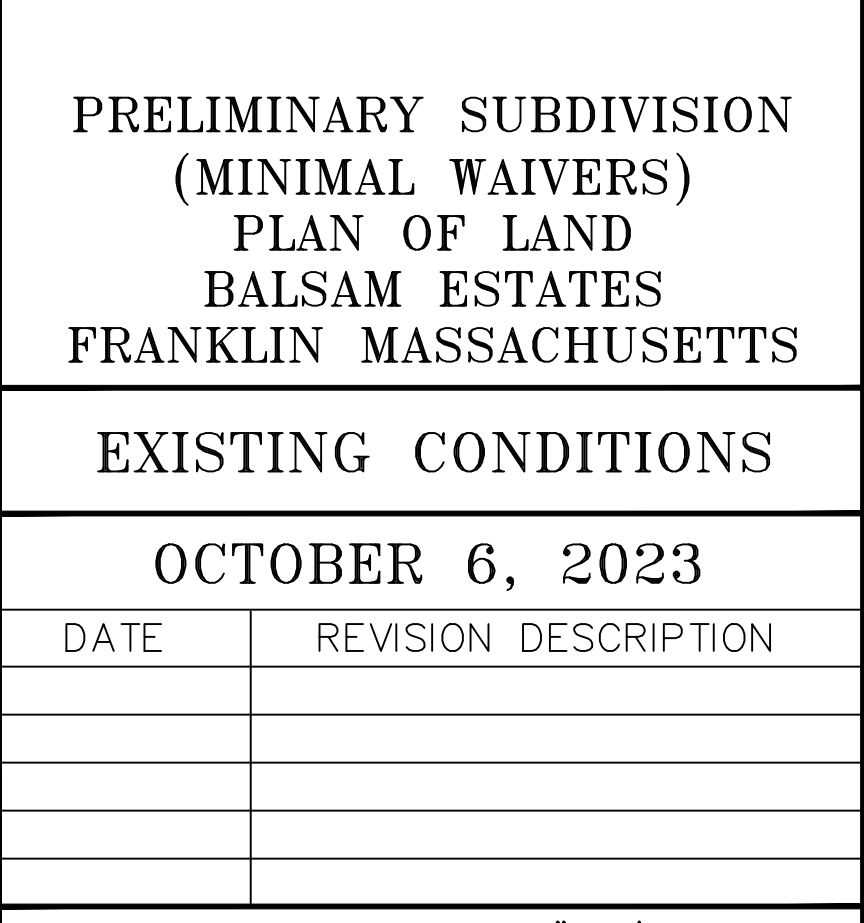
JOEL D'ERRICO  
72 DEERVILLE WAY  
FRANKLIN, MA 02038

**PRELIMINARY SUBDIVISION (MINIMAL WAIVERS) PLAN OF LAND BALSAM ESTATES FRANKLIN MASSACHUSETTS**

**EXISTING CONDITIONS**

**OCTOBER 6, 2023**

DATE	REVISION DESCRIPTION

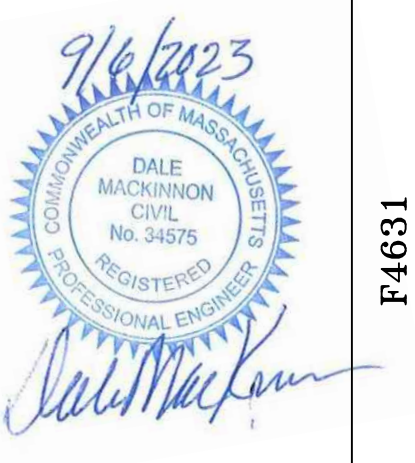
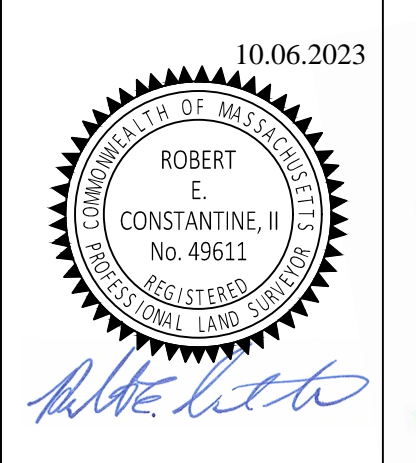
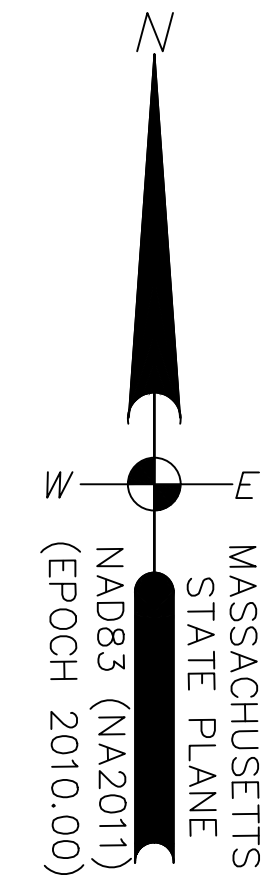
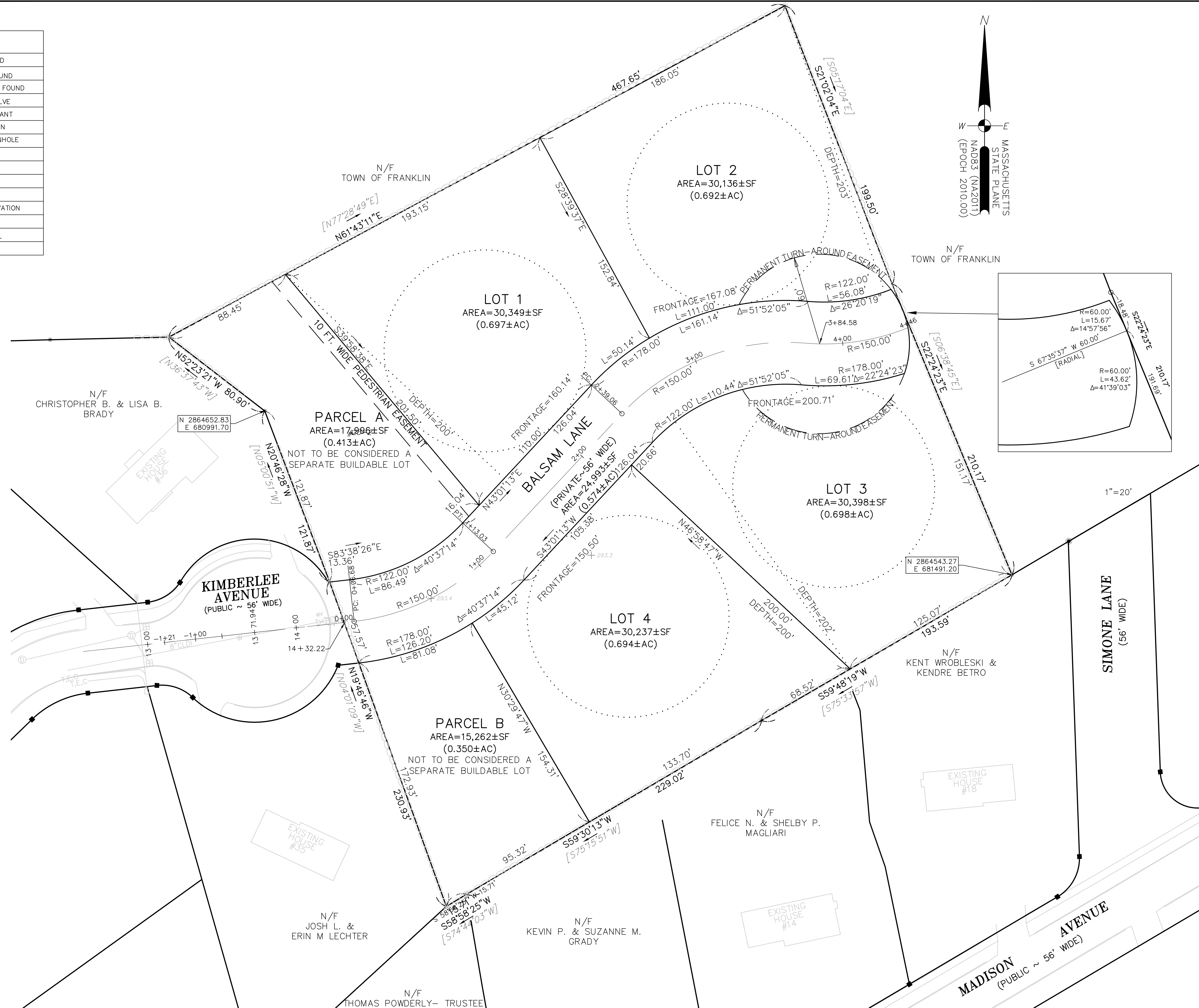


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LEGEND	
○	EXISTING PIPE FOUND
■	EXISTING BOUND FOUND
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⊕	EXISTING FIRE HYDRANT
⊞	EXISTING CATCHBASIN
⊙	EXISTING DRAIN MANHOLE
~~~~~	EXISTING TREELINE
⊕	EXISTING TEST PIT
—w—	EXISTING WATERLINE
—d—	EXISTING DRAINLINE
000.0x	EXISTING SPOT ELEVATION
—000—	EXISTING CONTOUR
⊞⊞⊞	EXISTING STONEWALL
⊞	EXISTING MAILBOX



F4631

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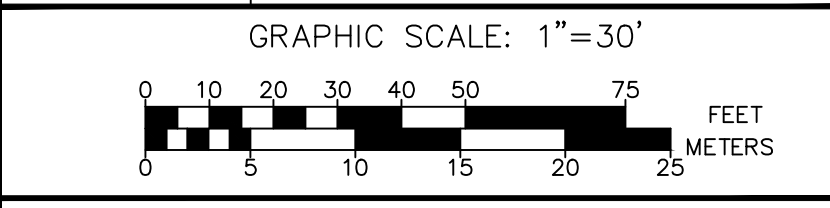
APPLICANT  
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 FRANKLIN, MA 02038

PRELIMINARY SUBDIVISION  
 (MINIMAL WAIVERS)  
 PLAN OF LAND  
 BALSAM ESTATES  
 FRANKLIN MASSACHUSETTS

LOTGING

OCTOBER 6, 2023

DATE	REVISION DESCRIPTION

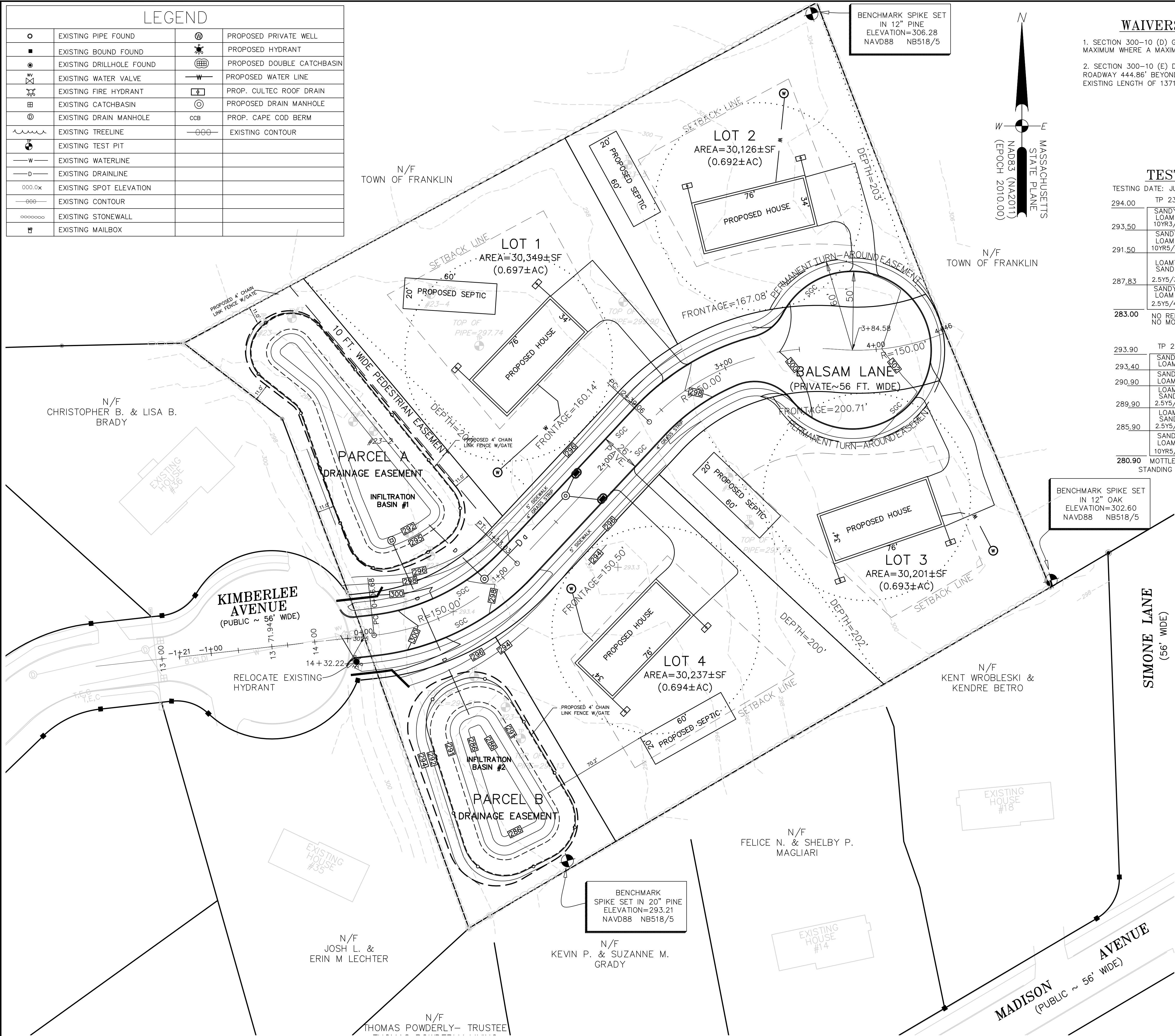


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**LEGEND**

○	EXISTING PIPE FOUND	⊕	PROPOSED PRIVATE WELL
■	EXISTING BOUND FOUND	⊕	PROPOSED HYDRANT
●	EXISTING DRILLHOLE FOUND	⊕	PROPOSED DOUBLE CATCHBASIN
⊕	EXISTING WATER VALVE	—W—	PROPOSED WATER LINE
⊕	EXISTING FIRE HYDRANT	⊕	PROP. CULTEC ROOF DRAIN
⊕	EXISTING CATCHBASIN	⊕	PROPOSED DRAIN MANHOLE
⊕	EXISTING DRAIN MANHOLE	ccb	PROP. CAPE COD BERM
—	EXISTING TREELINE	—○○○—	EXISTING CONTOUR
⊕	EXISTING TEST PIT		
—W—	EXISTING WATERLINE		
—D—	EXISTING DRAINLINE		
○○○.0x	EXISTING SPOT ELEVATION		
—○○○—	EXISTING CONTOUR		
○○○○○○	EXISTING STONEWALL		
⊕	EXISTING MAILBOX		



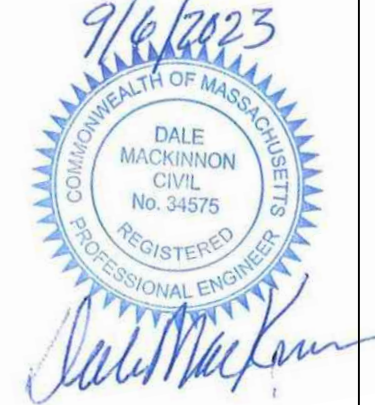
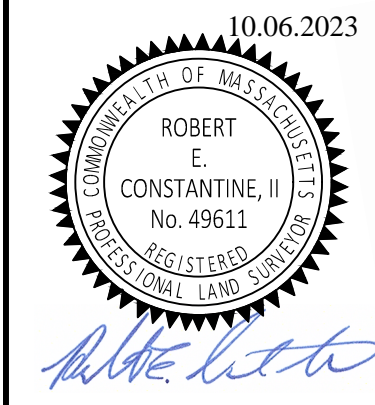
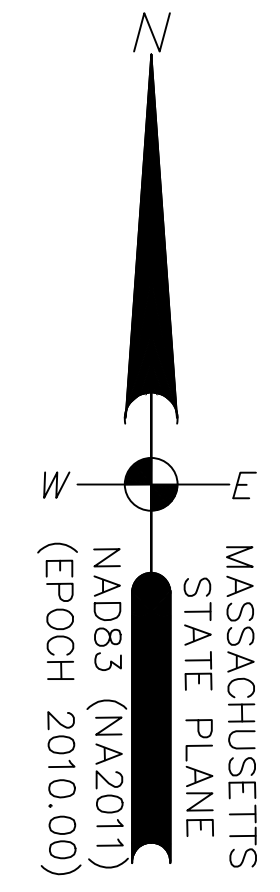
**WAIVERS REQUESTED**

- SECTION 300-10 (D) GRADES (1)(2)(3) CUT/FILL. FILL TO EXCEED 5' MAXIMUM WHERE A MAXIMUM OF 5 FT. IS REQUIRED
- SECTION 300-10 (E) DEAD END STREETS (4) TO EXTEND THE ROADWAY 444.86' BEYOND THE EXISTING KIMBERLEE AVE WHICH HAS AN EXISTING LENGTH OF 1371.94' WHERE 600 FT MAXIMUM IS REQUIRED.

**TESTING INFORMATION**

TESTING DATE: JULY 27, 2023 SOIL EVALUATOR: MICHAEL HASSETT

TESTING DATE	TP	SOIL TYPE	DEPTH	TESTING DATE	TP	SOIL TYPE	DEPTH
294.00	TP 23-1	SANDY LOAM 10YR3/2	0"-6" A	294.50	TP 23-2	SANDY LOAM	0"-6" A
293.50		SANDY LOAM 10YR5/6	6"-30" B	292.50		SANDY LOAM	6"-24" B
291.50		LOAMY SAND 2.5Y5/3	30"-74" C-1	289.83		FINE LOAMY SAND 2.5Y5/2	24"-56" C-1
287.83		SANDY LOAM 2.5Y5/4	74"-132" C-2	286.50		GRAVELLY LOAMY SAND	56"-96" C-2
283.00		NO REFUSAL NO MOTTLES		283.17		SANDY LOAM 10YR5/4	96"-136" C-3
293.90	TP 23-3	SANDY LOAM	0"-6" A	295.80	TP 23-4	SANDY LOAM	0"-6" A
293.40		SANDY LOAM	6"-36" B	295.30		SANDY LOAM	6"-36" B
290.90		LOAMY SAND 2.5Y5/2	36"-48" C-1	292.80		LOAMY SAND	36"-132" C
289.90		LOAMY SAND 2.5Y5/3	48"-96" C-2	284.80		NO REFUSAL NO MOTTLES	
285.90		SANDY LOAM 10YR5/4	96"-156" C-3				
280.90		MOTTLES@48" STANDING WATER@132"					
299.80	TP 23-5	SANDY LOAM 10YR3/3	0"-6" A				
299.30		SANDY LOAM 10YR5/6	6"-36" B				
296.80		LOAMY SAND	36"-120" C				
289.80		ANGULAR ROCKS					
		NO REFUSAL NO MOTTLES					
297.50	TP 23-6	SANDY LOAM	0"-6" A				
297.00		SANDY LOAM	6"-30" B				
295.00		SAND 2.5Y4/3	30"-54" C-1				
293.00		LOAMY SAND	54"-105" C-2				
288.75		NO REFUSAL NO MOTTLES					
291.80	TP 23-7	SANDY LOAM	0"-6" A				
291.30		SANDY LOAM	6"-36" B				
288.80		LOAMY SAND	36"-78" C-1				
285.30		LOAMY SAND W/ GRAVEL	78"-128" C-2				
281.13							



F4631

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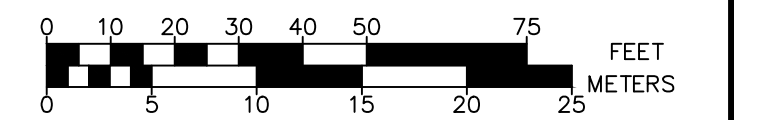
**PRELIMINARY SUBDIVISION (MINIMAL WAIVERS) PLAN OF LAND BALSAM ESTATES FRANKLIN MASSACHUSETTS**

**SITE DEVELOPMENT**

**OCTOBER 6, 2023**

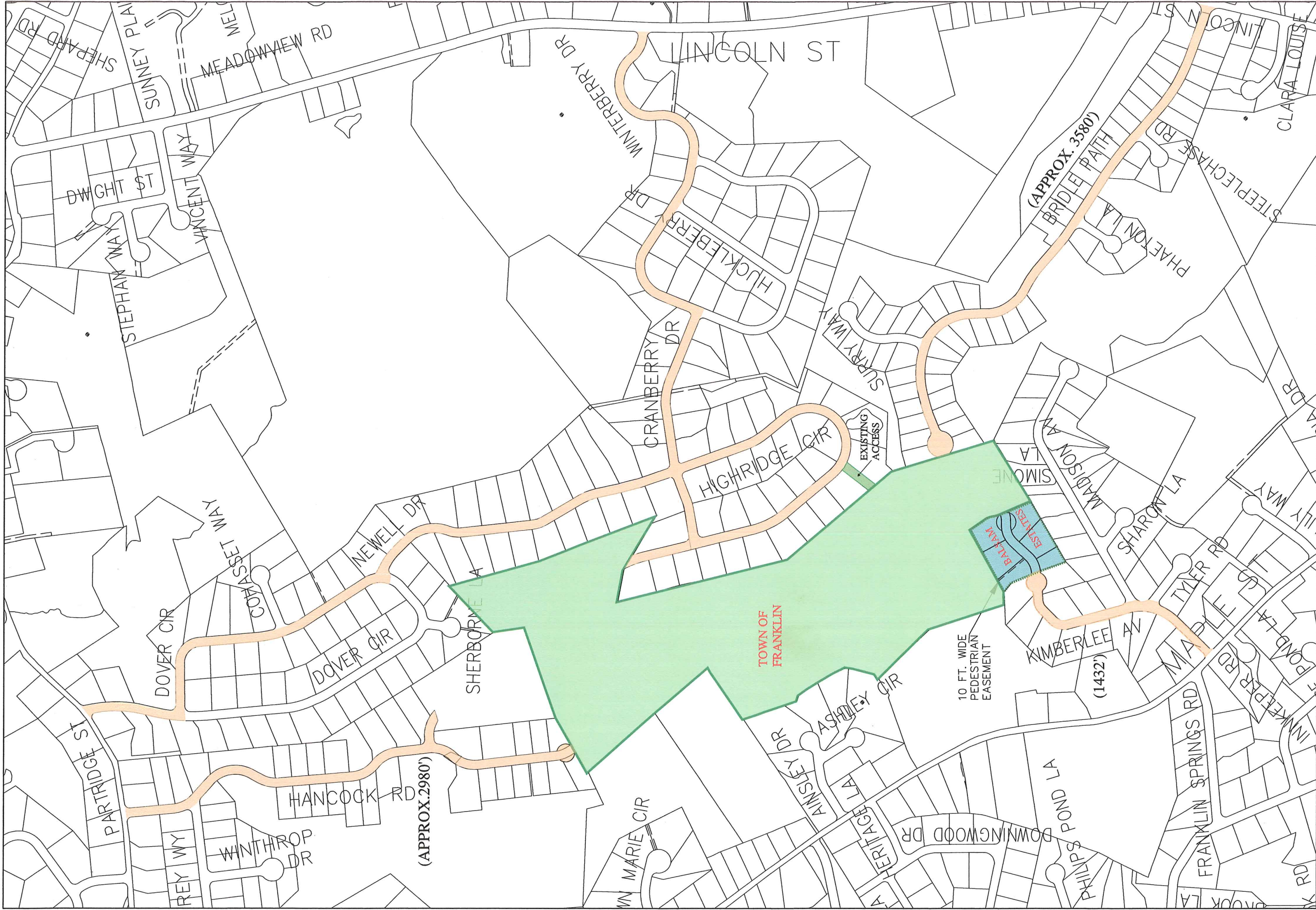
DATE	REVISION DESCRIPTION

GRAPHIC SCALE: 1"=30'



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PROPERTY LOCUS  
FOR  
BALSAM ESTATES  
FRANKLIN MASSACHUSETTS

PREPARED FOR  
JOEL D'ERRICO  
72 DEERVIEW WAY  
FRANKLIN, MA 02058

DATE: NOVEMBER 10, 2023  
SCALE: 1"=250'