

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: March 7, 2023
TO: Franklin Planning Board
FROM: Department of Planning and Community Development
RE: Prospect Hill
Definitive Subdivision Plan

The Planning Board closed the public hearing on February 27, 2023. The following is provided for the Planning Board make a decision on Prospect Hill Definitive Subdivision:

1. DRAFT decision that includes conditions from the judgement.
2. Waivers that will need to be voted
3. For reference, the court stipulation judgement is included.

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PLANNING BOARD

March 13, 2023

Nancy Danello, Town Clerk
Town of Franklin
355 East Central Street
Franklin, MA 02038

CERTIFICATE OF VOTE DEFINITIVE SUBDIVISION PROSPECT HILL

Subdivision Plan: Definitive Plan of Land "Prospect Hill Estates"

Applicant: Wall Street Development Corp.
PO Box 272
Westwood, MA 02090

Owners: Wall Street Development Corp.
PO Box 272
Westwood, MA 02090

Prepared By: Surveyor/Engineer GLM Engineering Consultants, Inc., 19 Exchange St, Holliston, MA
Dated: July 22, 2022
Assessors Map 309 Lot 019

Dear Mrs. Danello:

Please be advised that at its meeting on Monday, March 13, 2023 the Planning Board, upon motion duly made and seconded, voted (5-0) to **APPROVE, with Conditions and waivers**, the above referenced Definitive Subdivision Plan. The waivers are listed on page 2, attached hereto.

Sincerely,

Gregory Rondeau, Chairman

cc: Building Commissioner, DPW/Engineering, Assessor, Applicant/Owner

CONDITIONS
DEFINITIVE SUBDIVISION
PROSPECT HILL

The Applicant and Town of Franklin Planning Board entered into a Judgement, dated January 5, 2023, filed in the Land Court Department Docket No. 22 MISC 000622. The Stipulated Judgement, included the following conditions:

1. Roadway will always remain private and be maintained by homeowners and Town of Franklin will never have any responsibility to maintain it.
2. To implement condition #1, Developer will execute a private road covenant with Town and establish a homeowners association, both documents to be recorded.

WAIVERS
DEFINITIVE SUBDIVISION
PROSPECT HILL

Based on its finding that the requested waivers would be in the public interest and consistent with the intent and purpose of the Subdivision Control Law, the Planning Board, upon motion duly made and seconded voted at its March 13, 2023 Planning Board Meeting (5-0) to **APPROVE** the applicant's request for the following waivers:

1. **§300-10.B(4)(b)** – Roads shall not provide access to undeveloped land in other towns.
2. **§300-10.B(4)(d)** – Roads right-of-way, including cul de sacs, will be setback at least 25-feet from Town lines.

Granting the waivers, approves roadway in Franklin to access Wall Street Development Corps. Eleven lot residential subdivision which, with exception of access roadway, is to be constructed entirely within Bellingham, subject to Franklin Town Engineer’s determination that proposed design and construction of roadway is adequate to provide safe vehicular ingress and egress.

PROCEDURES
DEFINITIVE SUBDIVISION
PROSPECT HILL

A copy of this Certificate of Vote shall be filed with the Town Clerk, and one copy shall be mailed to the Owner/applicant. This decision may be appealed by any person aggrieved to the Land Court of to the Superior Court within twenty (20) days of its filing with the Town Clerk.

This Certificate of Vote shall become effective only upon the recording of a copy certified by the Town Clerk with the Norfolk County Registry of Deeds. A copy of the recorded Certificate of Vote shall be submitted to the Board within thirty (30) days of recording.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

LAND COURT DEPARTMENT
DOCKET NO. 22 MISC 000622

<p>WALL STREET DEVELOPMENT CORP.,</p> <p style="text-align: right;">Plaintiff,</p> <p>v.</p> <p>FRANKLIN PLANNING BOARD,</p> <p style="text-align: right;">Defendant.</p>

*Approved as an Agreement
for Judgment pursuant to Land
Court Rule 10.*

By the Court,

[Signature]
Howard P. Speicher
Justice 1/5/23

STIPULATED JUDGMENT

Pursuant to a stipulation of the parties, it is hereby ORDERED, ADJUDGED, and
DECREED as follows:

Case shall be remanded to the Franklin Planning Board which shall grant waiver(s) and approve roadway in Franklin to access Wall Street Development Corp.'s proposed ^{#PL eleven} lot residential subdivision which, with exception of access roadway, is to be constructed entirely within Bellingham, subject to Franklin Town Engineer's determination that proposed design and construction of roadway is adequate to provide safe vehicular ingress and egress, and further subject to two conditions:

- (1) Roadway will always remain private and be maintained by homeowners and Town of Franklin will never have any responsibility to maintain it.
- (2) To implement condition # 1, Developer will execute a private road covenant with Town and establish a homeowners association, both documents to be recorded.

Dated: Jan 5, 2023

#PL. By the Court (Speicher, J)

[Signature]
Deborah J. Patterson, Recorder

Form R:
Franklin Planning Board
Subdivision Waiver Request

Prepared by: Wall Street Development Corp.

Signed: *Amis Poterzi*

Subdivision: Prospect Hill Estates dated July 12, 2022

Date: October 4, 2022

Nature of Waiver:

The proposed subdivision plan shows that no lots are proposed to be subdivided in the town of Franklin and therefore, does not meet the definition of a subdivision. All of the lots subdivided will be situated in Bellingham. Access to the proposed lots in Bellingham will be via a 60-foot access/utility easement from Prospect Street over the portion of land situated in Franklin between Prospect Street and the Franklin/Bellingham town line.

Subdivision Rules and Regulation Reference:

Section 300-10.B(4)(b) stating "Roads shall not provide access to undeveloped land in other towns."

Section 300-10.B(4)(d) which states "Road right-of-way, including cul de sacs, will be setback at least 25-feet from Town lines."

Reason the waiver is requested:

No lots are being subdivided in the town of Franklin

Alternatives to granting the waiver:

Alternative access right-of-way constructed to Lake Street with traffic channeled to Lake Street/Prospect Street intersection

Impact of waiver denial on the project:

No Impact

Reasons this waiver is in the best interests of the Town and consistent with the intent and purpose of the Subdivision Control Law:

There are no lots proposed to be subdivided in the town of Franklin, therefore, the use of land situated in Franklin does not meet the definition of a subdivision. The proposed access/utility easement will be privately maintained by a homeowners association to be formed resulting no services required by the town of Franklin.

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PLANNING BOARD

The following notice will be published in the Milford Daily Newspaper once on Monday, February 13, 2023 and again on February 20, 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 in person and remotely on **Monday, February 27, 2023 at 7:05 PM** in the Town Council Chambers of the Franklin Municipal Building, 355 East Central Street, for a Subdivision application titled "Prospect Hill Estates" prepared by GLM Engineering Associates Inc., Holliston, MA, and submitted to the Department of Planning & Community Development on October 5, 2022, by Wall Street Development Corp. Westwood, MA.

The property is located in the Rural Residential I Zoning District (Assessors Map 309 Lot 019) on Prospect Street. The Applicant is proposing to construct an 11-lot subdivision in Bellingham with a proposed roadway access through Franklin.

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 or at <https://www.franklinma.gov/planning-board/pages/projects>.

Greg Rondeau, Chairman