

TOWN OF FRANKLIN
INSPECTION DEPARTMENT
Building Inspection – Division of Wires – Division of Gas
Division of Plumbing
MUNICIPAL BUILDING – 355 East Central Street
Franklin, Massachusetts 02038

Lloyd (Gus) Brown
Building Commissioner

Telephone: 508-520-4926
FAX: 508-520-4906

ZONING REVIEW

APPLICANT: TMC Holding & Development 2 LLC

LOCATION: 25 Forge Parkway

ZONING DISTRICT: Industrial

TYPE OF PROJECT: Earth Removal

DATE: 05/09/2023 **DENY**

SPECIAL PERMIT

ZONING BY LAW SECTIONS: 185-23A.(2)(d)

REASON FOR DENIAL: Applicant is seeking to conduct earth removal in excess of 1,000 cubic yards. The building permit is denied without a Special Permit from the ZBA.

APPEAL OF DENIAL OPTIONS:

ZONING BOARD OF APPEALS

APPLICANT SIGNATURE _____ **DATE**

ZONING OFFICIAL SIGNATURE LAB 05/09/2023
_____**DATE**

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

TOWN OF FRANKLIN
TOWN CLERK

2023 MAY -8 A 11:09

RECEIVED

RECEIVED
TOWN OF FRANKLIN

MAY 08 2023

ZBA APPLICATION FORM

GENERAL INFORMATION

ZONING BOARD OF APPEALS

The undersigned hereby petitions the Zoning Board of Appeals for the following:

Special Permit: ☒ Variance: _____ Appeal: _____

PETITIONER: TMC HOLDING & DEVELOPMENT 2 LLC

PETITIONER'S ADDRESS: 25 FORGE PARKWAY FRANKLIN, MA 02038 PHONE: (774) 295-4201

LOCATION OF PROPERTY: 25 FORGE PARKWAY FRANKLIN, MA 02038

TYPE OF OCCUPANCY: INDUSTRIAL/WAREHOUSE ZONING DISTRICT: BUSINESS

ASSESSORS MAP & PARCEL: 275 & 014

REASON FOR PETITION:

<input type="checkbox"/> Additions	<input type="checkbox"/> New Structure
<input type="checkbox"/> Change in Use/Occupancy	<input type="checkbox"/> Parking
<input type="checkbox"/> Conversion to Addi'l Dwelling Unit's	<input type="checkbox"/> Sign
<input type="checkbox"/> Dormer	<input type="checkbox"/> Subdivision
<input checked="" type="checkbox"/> Other: EARTH REMOVAL	

DESCRIPTION OF PETITIONER'S PROPOSAL:

THE SCOPE OF THE PROJECT IS TO CONSTRUCT 16,000 SF HIGH BAY BUILDING WITH 17 ADDITIONAL PARKING

SPACES AND CONTRACTOR YARD.

SECTIONS OF ZONING ORDINANCE CITED:

Article V Section 185-23 EARTH REMOVAL REGULATIONS

Article _____ Section _____

Article _____ Section _____

Applicants for a Variance must complete Pages 1-5

Applicants for a Special Permit must complete Pages 1-4 and 6

Applicants for an Appeal to the ZBA pursuant to Zoning Bylaw section 185-45 (D) must attach a statement concerning the reasons for the appeal

Original Signature(s):

(Petitioner(s)/Owner)

MATTHEW CLARK
(Print Name)

Address: 25 FORGE PARKWAY FRANKLIN, MA 02038

Tel. No.: (774) 295-4201

E-Mail Address: MCLARK@GSSGL.COM

Date: 04/07/2023



May 2, 2023

To: Bruce Hanchard
Zoning Board of Appeals
355 East Central Street
Franklin, MA 02038

A&M Project #: 2712-02A
Re: 25 Forge Parkway
Industrial/Warehouse
Earth Removal Application

Copy: TMC Holdings & Development 2, LLC

Dear Mr. Hanchard,

On behalf of our Client, TMC Holdings & Development 2, LLC, Allen & Major Associates, Inc., has prepared the attached Earth Removal application in accordance with the Town of Franklin Bylaws, Section 185-23, Earth Removal Regulations. The earth removal special permit is required because the site improvements require greater than 1,000 cubic yards of exported soil. We have prepared this letter to address the requirements of Section 185-23. B. (1). The requirements are listed below along with the pertinent information.

a) The site, the proposed operation (including equipment), hours of operation, routing of vehicles and phasing (both in terms of areas of site and duration of time required for the operation).

A&M Response: The site address is 25 Forge Parkway Franklin MA. Anticipated equipment includes a backhoe, an excavator, dump trucks, trench box, compactors, rollers, and graders. The hours will be 6:00 AM to 6:00 PM from Monday to Saturday. Vehicle routes will be Forge Parkway to West Central Street to I-495.

b) The method for the handling of ledge, boulders, tree stumps and other waste materials.

A&M Response: Boulders, tree stumps and other waste materials will be removed and disposed of off-site in accordance with local/state regulations.

c) Test pit and monitoring well locations and information/data, including readings of the highest groundwater levels during the months of February, March, April and May.

A&M Response: Test pits were performed within the project area on February 10, 2023. Test pit logs are provided on sheet C-103. Estimated seasonal high groundwater was not encountered in any of the three test pits that were performed. Site work is therefore anticipated to be above groundwater levels on site.

d) An analysis by a hydrogeologist of the impact on historical high ground water in the area of the earth removal during the months of February, March, April and May and any control or mitigating work required.

A&M Response: As mentioned above, test pits were performed, and the proposed site work is anticipated to be above groundwater levels on site.

e) The legal names and address of:

1) The current owner of the property as shown on record at the Northfolk Registry of Deeds.

A&M Response: TMC Holdings & Development 2 LLC. 25 Forge Parkway, Franklin, MA 02038

2) The petitioner

A&M Response: Matthew Clark, Trustee

3) The contractor and/or operator of the removal operation.

A&M Response: TMC Holdings & Development 2 LLC

4) A list of all abutters, and abutters to abutters, as shown on the most recent assessor's list, within 300 feet of the property lines of the subject parcels.

A&M Response: Attached is a list of abutters within 300 feet of the property lines.

f) A statement from the applicant as to the intended and/or approved use of the subject property for earth removal and estimated quantitative amount of earth removal as shown on the plans.

A&M Response: The scope of the project is to construct a 16,000 SF high bay building addition with 17 additional parking spaces and a paved contractor yard. The project proposes approximately 3,650 cubic yards of earth removal from the site.

g) A statement indicating all trucking routes, alternate routes, trucking hours and methods. This statement shall also outline the safety concerns of the proposed routes.

A&M Response: Truck traffic will be limited to Forge Parkway, West Central Street and I-495. Forge Parkway is an industrial development designed to accommodate large trucks. West Central Street and I-495 are state and federal highways which are also designed to accommodate large truck movements.

h) Drainage and erosion control methods during the earth removal operation, including site drainage calculations for pre and post excavation (including runoff calculations) and exposed face height and slope limits.

A&M Response: Erosion controls notes are provided on sheet C-100 of the site development plan set. Erosion controls are depicted in plan-view on sheet C-101. Details for erosion controls are provided on sheet C-501. Runoff calculations are provided in Section 1 of the Drainage Report (page 9). Slope limitations for the proposed development are depicted in plan-view on sheet C-103.

i) A cross section of the subject parcel, graphically indicating existing elevations, proposed elevations, historical high ground water and soil profile.

A&M Response: A cross-section of the parcel has been provided on sheet C-201. The section view depicts existing and proposed elevations. The test pit logs are also provided on this sheet. As mentioned above, ground water was not encountered during the test pits.

j) A statement from the Zoning Enforcement Officer as to existence of unexpired earth removal special permits applicable to parcel of land that abuts the parcel of land from which the applicant seeks to remove material.

A&M Response: Gus Brown (Building commissioner) sent an email on May 1, 2023, stating "There are no unexpired earth removal special permits applicable to a parcel of land that abuts the parcel of land from which the applicant seeks to remove material." See the attached copy of email for reference.

25 Forge Parkway
Industrial/Warehouse

May 2, 2023

If you have any questions, please do not hesitate to contact our office.

Very Truly Yours,
ALLEN & MAJOR ASSOCIATES, INC

Brian D. Jones, PE
Senior Project Manager

Attachments:

1. Special Permit application
2. A copy of Deed
3. 11"X17" Site Plan Set, revised as of May 01,2023
4. A copy of the Abutter's list
5. Filing Fee's check
6. Copy of email from building inspector

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

ZBA APPLICATION FORM - OWNERSHIP INFORMATION

To be completed by OWNER, signed and returned to the Secretary of the Zoning Board of Appeals.

I/We TMC HOLDING & DEVELOPMENT 2 LLC

(OWNER)

Address: 25 FORGE PARKWAY FRANKLIN, MA 02038

State that I/We own the property located at 25 FORGE PARKWAY FRANKLIN, MA 02038,
which is the subject of this zoning application.


The record title of this property is in the name of MATTHEW CLARK

*Pursuant to a deed of duly recorded in the date 06/08/2021, Norfolk

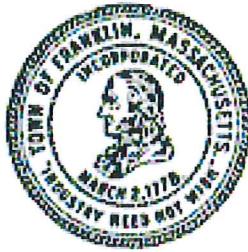
County Registry of Deeds at Book _____, Page _____; or

Dedham Registry District of Land Court, Certificate No. 205229

Book _____ Page _____.



SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*



ZBA APPLICATION FORM
SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria in accordance with Zoning Bylaw Section 185-45(D) (2) (a) referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits for which additional criteria must be met under the Zoning Bylaw.

185-45(D) (2) (A) **BOARD OF APPEALS:** TO HEAR AND DECIDE APPLICATIONS FOR SPECIAL PERMITS UPON WHICH THE BOARD IS EMPOWERED TO ACT UNDER THIS CHAPTER. SPECIAL PERMITS SHALL BE GRANTED BY THE BOARD OF APPEALS 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:

- (1) **Proposed project addresses or is consistent with neighborhood or Town need.** The project is an expansion of the existing use. Which is allowed within the zone and it's consistent with neighborhood.
- (2) **Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.** Forge Street, West Central Street and I-495 accommodate vehicular traffic flow, access and parking and pedestrian safety.
- (3) **Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.** Project has been reviewed by Planning Board. Public roadways, drainage, utilities and other infrastructure are adequate.
- (4) **Neighborhood character and social structure will not be negatively impacted.** The area around the project is business zoning district. The proposed commercial use is consistent with neighborhood character and social structure.
- (5) **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.** The project meets the Massachusetts storm water requirements. It also maintains 25 feet no disturbance area as well.
- (6) **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.** The distance from our building to the next closed building is around 247 feet. It will not have an adverse effect on other buildings.
- (7) **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.** The plan has been reviewed by the Planning Department.
Water and sewer impacts will be negligible.

QUITCLAIM DEED

Address of Property: 25 Forge Parkway, Franklin, Massachusetts 02038

COVALENCE SPECIALTY ADHESIVES LLC, an Delaware Limited Liability Company, with an address of 101 Oakley St., Evansville, IN 47710 ("Grantor"), for consideration paid and full consideration of Two Million Six Hundred Thousand (\$2,600,000.00) Dollars grants to TMC HOLDINGS & DEVELOPMENT 2, LLC, a Massachusetts Limited Liability Company with an address of 24 William Way, Bellingham, MA 02019, with QUITCLAIM COVENANTS,

The land, together with any buildings and other improvements thereon, commonly known as 25 Forge Parkway, Franklin, Norfolk County, Massachusetts, as more particularly described in Exhibit A attached hereto and made a part hereof.

Said premises are conveyed subject to and with the benefit of all rights, takings, rights of way, easements, agreements, covenants and restrictions of record, if any, insofar as the same are now in force and applicable.

The grantor is not classified for the current taxable year as a corporation for federal income tax purposes.

For Title See Certificate of Title No. 172228

[Balance of page intentionally left blank]

IN WITNESS WHEREOF, the Grantor has executed this Quitclaim Deed, under seal as of the 7th day of June, 2021.

COVALENCE SPECIALTY ADHESIVES
LLC, a Delaware Limited Liability Company

By:

By:



MARK W. MILES
Authorized Person

STATE OF INDIANA)

COUNTY OF

Vanderburgh)
SS:

On this 7th day of June, 2021, before me, the undersigned notary public, Mark W. Miles personally appeared, personally known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as authorized person for executing documents regarding real property of Covalence Specialty Adhesives LLC, a Delaware Limited Liability Company, as its the voluntary act.



Notary Public

(AFFIX STAMP OR SEAL)

My commission expires: 12-3-2025

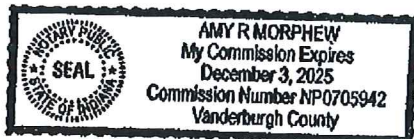


Exhibit A

Legal Description

The land with buildings thereon situated in Franklin in the County of Norfolk and the Commonwealth of Massachusetts described as follows:

Lots 75 and 78 shown on Land Court Plan No. 7594-20, dated October 26, 1988, a copy of which is filed with Norfolk County Registry District of the Land Court Certificate of Title No. 129992.

There is appurtenant to the above-described land an Easement set forth in Document No. 493443. There is also appurtenant to the above-described land the rights set forth in Document Nos. 521795, 543304, 545380 and 559014.

There is also appurtenant right to the above-described land the right to use Forge Parkway as set forth in Document No. 558206.

All of the foregoing is conveyed together with all of Seller's right, title and interest, if any, in and to the following: all buildings and improvements located on the land, and all easements, rights of way, appurtenances and hereditaments related thereto, and the streets and roads abutting the above-described premises to the center lines thereof.

Subject to title to and rights for the public and others entitled thereto in and to those portions of the premises lying within the bounds of Forge Parkway.

Subject to an Easement on Lot 75 set forth in Document No. 5582096 and shown as an "Access and Utility Easement" (20.00 feet wide) on said Plan No. 7594-20.

Subject to Drainage Easement filed as Document No. 558205 and shown as Drainage Easement on said Plan No. 7594-20.

Subject to Rights and restrictions filed as Document No. 558206.

Subject to Easement to New England Power Company dated October 29, 1959 and filed as Document No. 214196 and shown as 325.00 foot wide Easement on Plan 7594-20.

Subject to Order for construction of a transmission line by New England Power Company dated July 28, 1961 and filed as Document No. 227142.

Subject to Easement to New England Telephone and Telegraph Company filed as Document No. 501367.

Subject to Decision by the Town of Franklin Zoning Board of Appeals filed as Document No. 511937.

Subject to Easement to Massachusetts Electric Company dated June 29, 1987 and filed as Document No. 530914.

Subject to Easement to New England Power Company dated November 22, 1962 and filed as Document No. 251014.

Subject to Order of Conditions by the Franklin Conservation Commission filed as Document No. 541356, as affected by Certificate of Compliance filed as Document No. 571171.

Subject to Order of Conditions by the Franklin Conservation Commission filed as Document No. 543948, as affected by Certificate of Compliance filed as Document No 571173.

Subject to Order of Conditions by the Franklin Conservation Commission filed as Document No. 543949, as affected by Certificate of Compliance filed as Document No 571174.

Subject to Decision by the Town of Franklin Zoning Board of Appeals dated November 17, 1988 and filed as Document No. 559307.

Subject to Encroachment, overlaps, boundary line disputes, and any matters that would be disclosed by an accurate survey and inspection of the premises.

RECEIVED
TOWN OF FRANKLIN
APR 14 2023
BOARD OF ASSESSORS

Town of Franklin – Board of Assessors
355 East Central Street
Franklin, MA 02038
Tel # 508-520-4920
Fax # 508-520-4923

Abutters List Request Form

Please Note: A \$25.00 fee per list is required to process your request. Payment is due at the time of submission of this form. Please allow 10 days from the date of both payment and submission of the form for the Assessors office to complete processing your request. (Revised 1-1-22)

Date of Request 04 / 11 / 2023

Assessors Parcel ID # (12 digits) 275 - 014 - 000 - 000

Property Street Address 25 FORGE PARKWAY FRANKLIN, MA 02038

Distance Required From Parcel # listed above (Circle One): 500 300 100
(Note: if a distance is not circled, we cannot process your request)

Property Owner TMC HOLDING & DEVELOPMENT 2 LLC

Property Owner's Mailing Address 25 FORGE PARKWAY FRANKLIN

Town/City FRANKLIN State MA Zip Code 02038

Property Owner's Telephone # 774 - 295 - 4201

Requestor's Name (if different from Owner) ALLEN & MAJOR ASSOCIATES, INC. (BRAIN D. JONES, PE)

Requestor's Address 400 HARVEY ROAD STD D, MANCHESTER, NH 03103

Requestor's Telephone # 603 - 627 - 5500

Office Use Only: Date Fee Paid 4/14/2023 Paid in Cash \$

Paid by Check \$ 25.00 Check # 1608 Town Receipt #

Please Circle One:

Administration

Conservation

Planning

Zoning Board of Appeals

Hsoni@AllenMajor.com



25 FORGE PKWY - 300' ABUTTERS

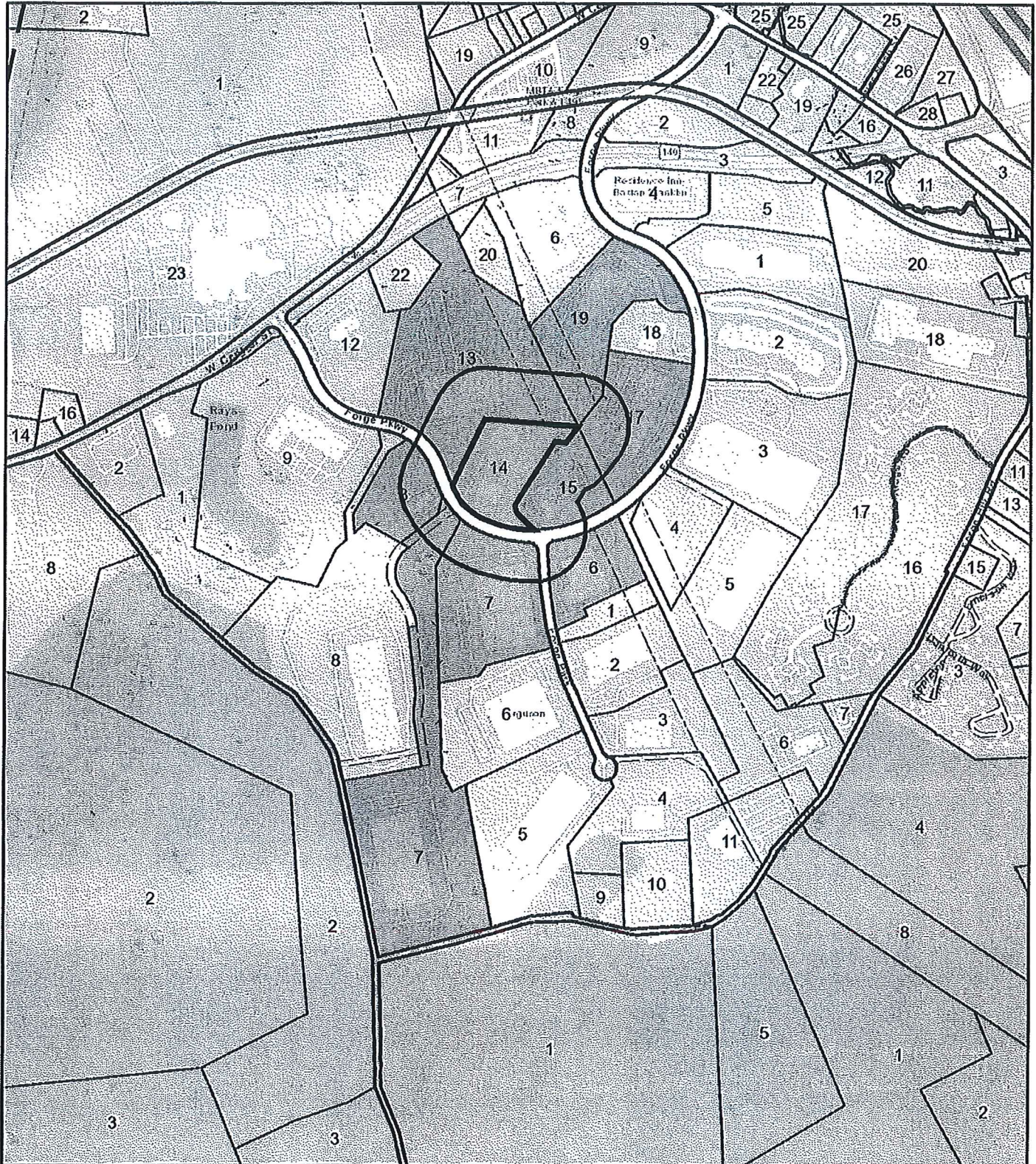
Franklin, MA



April 15, 2023

1 inch = 800 Feet

www.cai-tech.com



This information is believed to be correct but is subject to change and is not warranted.



300 foot Abutters List Report

Franklin, MA
April 15, 2023

Subject Property:

Parcel Number: 275-014-000
CAMA Number: 275-014-000-000
Property Address: 25 FORGE PKWY

Mailing Address: TMC HOLDINGS & DEVELOPMENT 2 LLC
24 WILLIAM WAY
BELLINGHAM, MA 02019

Abutters:

Parcel Number: 275-006-000
CAMA Number: 275-006-000-000
Property Address: 15 FORGE PKWY

Mailing Address: BIG BOX PROPERTY OWNER C LLC C/O
EXETER PROPERTY GROUP
101 WEST ELM ST SUITE 600
CONSHOHOCKEN, PA 19428

Parcel Number: 275-007-000
CAMA Number: 275-007-000-000
Property Address: 20 FORGE PKWY

Mailing Address: BIG BOX PROPERTY OWNER C LLC C/O
EXETER PROPERTY GROUP
101 WEST ELM ST SUITE 600
CONSHOHOCKEN, PA 19428

Parcel Number: 275-008-000
CAMA Number: 275-008-000-000
Property Address: 28 FORGE PKWY

Mailing Address: DONOVAN HOLDINGS LLC
28 FORGE PKWY
FRANKLIN, MA 02038

Parcel Number: 275-013-000
CAMA Number: 275-013-000-000
Property Address: 27 FORGE PKWY

Mailing Address: 27 FORGE PARKWAY LLC
27 FORGE PKWY
FRANKLIN, MA 02038-3135

Parcel Number: 275-014-000
CAMA Number: 275-014-000-000
Property Address: 25 FORGE PKWY

Mailing Address: TMC HOLDINGS & DEVELOPMENT 2 LLC
24 WILLIAM WAY
BELLINGHAM, MA 02019

Parcel Number: 275-015-000
CAMA Number: 275-015-000-000
Property Address: 11 FORGE PKWY

Mailing Address: L P GAS EQUIPMENT INC C/O EASTERN
PROPANE GAS
11 FORGE PARKWAY
FRANKLIN, MA 02038

Parcel Number: 275-017-000
CAMA Number: 275-017-000-000
Property Address: 9 FORGE PKWY

Mailing Address: FORGE PARKWAY OWNER LLC C/O
GOLDMAN SACHS ASSET MGMT ATTN:
ZACH SWANGER
2001 ROSS AVE
DALLAS, TX 75201

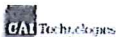
Parcel Number: 275-019-000
CAMA Number: 275-019-000-000
Property Address: 5 FORGE PKWY

Mailing Address: DADDARIO, JAMES F, TR PATALANO,
CURTIS TR C/O NEW
ENGLANDTREATMNT ACCESS
5 FORGE PKY
FRANKLIN, MA 02038

Parcel Number: 290-007-000
CAMA Number: 290-007-000-000
Property Address: 34 FORGE PKWY

Mailing Address: PIERCE REALTY LLC
34 FORGE PKY
FRANKLIN, MA 02038

John W. Doyle, 4-15-2023



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.

4/15/2023

Page 1 of 1

27 FORGE PARKWAY LLC
27 FORGE PKWY
FRANKLIN, MA 02038-3135

BIG BOX PROPERTY OWNER C
C/O EXETER PROPERTY GROUP
101 WEST ELM ST SUITE 600
CONSHOHOCKEN, PA 19428

DADDARIO, JAMES F, TR PAT
C/O NEW ENGLANDTREATMNT A
5 FORGE PKY
FRANKLIN, MA 02038

DONOVAN HOLDINGS LLC
28 FORGE PKWY
FRANKLIN, MA 02038

FORGE PARKWAY OWNER LLC
C/O GOLDMAN SACHS ASSET M
2001 ROSS AVE
DALLAS, TX 75201

L P GAS EQUIPMENT INC
C/O EASTERN PROPANE GAS
11 FORGE PARKWAY
FRANKLIN, MA 02038

PIERCE REALTY LLC
34 FORGE PKY
FRANKLIN, MA 02038

TMC HOLDINGS & DEVELOPMEN
24 WILLIAM WAY
BELLINGHAM, MA 02019

From: Gus Brown <gbrown@franklinma.gov>
Sent: Monday, May 1, 2023 2:35 PM
To: Stephen Mayer; Het Soni
Subject: Re: 25 Forge Parkway

You don't often get email from gbrown@franklinma.gov. [Learn why this is important](#)

Hi Stephen,

There are no unexpired earth removal special permits applicable to a parcel of land that abuts the parcel of land from which the applicant seeks to remove material.

Thanks

Lloyd"Gus"Brown
Town of Franklin Building Commissioner
355 East Central Street
Franklin, MA. 02038
gbrown@franklinma.gov 508-553-4855