

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 Cocasset Aesthetics

LOCATION: 435 King Street

ZONING DISTRICT: SFR III

TYPE OF PROJECT: Retail

DATE: 05/24/2023 **DENY**

VARIANCE

ZONING BY LAW SECTIONS: 185, § 45 D.(2).(b)

REASON FOR DENIAL: Applicant is seeking to conduct retail services in a SFR III zone. The use is denied without a variance from the ZBA.

APPEAL OF DENIAL OPTIONS:

ZONING BOARD OF APPEALS

APPLICANT SIGNATURE _____ **DATE**

ZONING OFFICIAL SIGNATURE LAB _____ **DATE 05/24/2023**

**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 18 P 12:58

RECEIVED

RECEIVED
TOWN OF FRANKLIN

MAY 18 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: x Appeal: _____

PETITIONER: Cocasset Aesthetics, PC, 17 Cocasset Street, Ste 2, Foxboro, Massachusetts 02035, d/b/a H2T Skin and Laser Center and ROSE AND JOE, LLC, 28 Tia Place, Franklin, Massachusetts 02038

PETITIONER'S ADDRESS: See above. PHONE: 508-543-1112

LOCATION OF PROPERTY: 435 King Street, Franklin, Massachusetts

TYPE OF OCCUPANCY: Commercial ZONING DISTRICT: Single Family Residential III

ASSESSORS MAP & PARCEL: Assessor's Map 303, as Parcel 104

REASON FOR PETITION:

_____ Additions	_____ New Structure
<u> X </u> Change in Use/Occupancy	_____ Parking
_____ Conversion to Addi'l Dwelling Unit's	_____ Sign
_____ Dormer	_____ Subdivision
_____ Other: _____	

DESCRIPTION OF PETITIONER'S PROPOSAL:

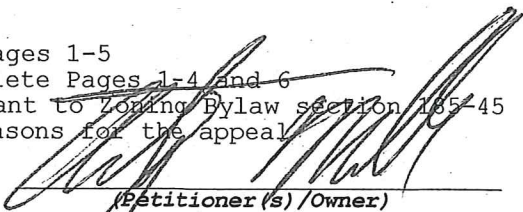
The present application before the Board requests certain Zoning Relief, more specific: (1) render a determination that the personal salon and stylist services planned to be offered in addition, connection or ancillary to the medical services being provided at the Locus would be considered a use consistent with, and not substantially different than, the medical and dental uses allowed at the Locus by Special Permit of the Franklin Planning Board dated March 6, 2006, attached hereto as Exhibit 1, or alternately, (2) Grant a variance to allow such personal salon and stylist services and uses in accordance with Massachusetts General Law, Chapter 40A, §10, and the Code of the Town of Franklin, Chapter 185, §45 D.(2).(b).

SECTIONS OF ZONING ORDINANCE CITED:

185, §45 D.(2)(b)

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)

Anthony Marinella, Manager
(Print Name)

Address:

ROSE AND JOE, LLC
28 Tia Place
Franklin, MA 02038
T: 508-962-1965
E: anth2424@gmail.com

Date: May 15, 2023

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

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

ZBA APPLICATION FORM
GENERAL INFORMATION

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LOCATION OF PROPERTY: 435 King Street, Franklin, Massachusetts

TYPE OF OCCUPANCY: Commercial ZONING DISTRICT: Single Family Residential III

ASSESSORS MAP & PARCEL: Assessor's Map 303, as Parcel 104

REASON FOR PETITION:

<input type="checkbox"/> Additions	<input type="checkbox"/> New Structure
<input checked="" 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 type="checkbox"/> Other: _____	

DESCRIPTION OF PETITIONER'S PROPOSAL:

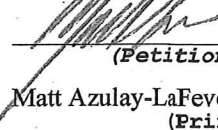
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Original Signature(s):


(Petitioner(s)/Owner)
Matt Azulay-LaFever
(Print Name)

Address: Cocasset Aesthetics, PC
17 Cocasset Street, Ste 2
Foxboro, MA 02035
T 508-543-1112
E matt@h2tskin.com

Date: May 16, 2023

LAW OFFICES
CORNETTA, FICCO & SIMMLER, P.C.
ATTORNEYS AT LAW
4 WEST STREET
FRANKLIN, MASSACHUSETTS 02038

RICHARD R. CORNETTA, JR.

VOICE (508) 528-5300
FAX (508) 528-5555

May 15, 2023

IN HAND FILING

Mr. Bruce J. Hunchard, Chairman
Franklin Zoning Board of Appeals
Town Hall
355 East Central Street
Franklin, MA 02038
ATTN: Ms. Casey Thayer

RE: 435 King Street, Franklin, Massachusetts
Applicant: Cocasset Aesthetics, PC and ROSE AND JOE, LLC

Dear Mr. Hunchard:

Please be advised that this firm is legal counsel to the above-entitled applicants, Cocasset Aesthetics, PC in pursuit of their development interests in the above-entitled real property.

On my client's behalf, I would respectfully request that the Board of Appeals render a determination and/or grant a special permit and/or variance relief in accordance with the Franklin Zoning Bylaw. In furtherance thereof, I have enclosed the following documentation, along with seven copies of the same, to wit:

1. ZBA Application Form – Special Permit §185-40(D);
2. Copy of Abutter's List;
3. Copy of Franklin Assessor's Card for 435 King Street, Franklin, MA;
4. Copy of Quitclaim Deed of Sarah Joe LLC to Rose and Joe LLC dated August 21, 2008 and filed with the Norfolk County Registry of Deeds at Book 25995, Page 143;

5. Memorandum in Support of Application for Determination (Special Permit) Allowing a Change, Extension or Alteration of Non-Conforming Use/Application for Variance for Use;
6. Exhibit 1 - Special Permit of the Franklin Planning Board dated March 6, 2006;
7. Exhibit 2 - Proposed Floor Plan for 435 King Street, Franklin, Massachusetts;
8. Copy of Site Plan entitled, McGann Professional Building 435 King Street, Franklin, Massachusetts, dated October 17, 2005, Revised November 1, 2005, prepared by Guerriere & Halnon, Inc.
9. A draft in the sum of \$350.00 which represents the filing fee

On behalf of the applicant, I would expressly make reservation of all rights as to the Special Permit granted by the Franklin Planning Board dated March 6, 2006 as attached hereto as Exhibit 1.

Kindly place this matter on your next available agenda before the Board of Appeals. Thank you for attention to this matter.

Very truly yours,

Richard R. Cornetta, Jr.

Richard R. Cornetta, Jr.

**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, Anthony Marinella, Manager of ROSE AND JOE, LLC, a Massachusetts limited liability company

(OWNER)

Address: 28 Tia Place, Franklin, Massachusetts 02038

State that the LLC owns the property located at 435 King Street, Franklin, Massachusetts

which is the subject of this zoning application.

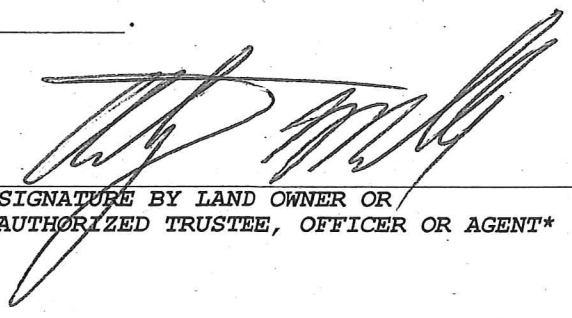
The record title of this property is in the name of: ROSE AND JOE, LLC

*Pursuant to a deed of duly recorded in the date 8/21/2008, Norfolk

County Registry of Deeds at Book 25995, Page 143; or

Dedham Registry District of Land Court, Certificate No. _____

Book _____ Page _____


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

TOWN OF FRANKLIN

ZONING BOARD OF APPEALS

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

ZBA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH ZONING BYLAW SECTION 185-45 (D)(2) (6) AND MGL 40A, SECTION 10:

A) A literal enforcement of the provisions of this Zoning bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

The Applicant (Cocasset Aesthetics, PC, doing business as H2T Skin and Laser Center) seeks use of the property located at 435 King Street (SFIII Zone) as an aesthetic medical practice providing cosmetic, dermatologic treatment for skin, scalp and hair health, which may include personal salon and stylist services planned to be offered in addition to and/or in connection with such medical facial esthetic services. The locus is improved with an existing 8,800 square foot commercial building and associated bituminous paved parking area that accommodates the parking of approximately forty (40) motor vehicles, and as such, the intended use for the property is most likely commercial in nature, rather than the predominant use as a single-family residential home. The existence of this sizable commercial structure (and associated parking and site improvements) in a principally residential zoning district creates an economic hardship in the identification and siting of an appropriate occupant and use for the property which would be permitted by the Zoning Bylaw. In addition to the commercial characteristics of the existing property improvements, the property is uniquely located immediately adjacent to (across the street) the commercial district located along the southerly side of King Street, which includes several restaurants (ie. Sierra's Coal Fired Pizza & Pub; King Street Café; The Chateau), a fuel service station/convenience store (ie. Cumberland Farms), a commercial shopping plaza with varied commercial uses (ie. Silver Maple Commons Plaza) and two multi-story hotels. The current characteristics of the existing building and parking area, coupled with the property's proximity to the commercial district, make use of the property for single-family residential purpose an undesirable use and not feasible for the property. Without the grant of the use variance relief as requested to allow for the proposed use of the property, it becomes

economically difficult or feasible to identify a single-family residential use or limited commercial use appropriate for the property that would also be permitted by the Zoning Bylaw.

B) The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

The hardship is owing principally to the current commercial improvements constructed on the property characterized by a two-story wood framed structure, constructed about 2006, with a gross floor area of approximately 8,800 square feet, along with a bituminous paved parking area which accommodates the parking of approximately forty (40) motor vehicles, which would not be conducive for the principal residential use as intended by the Bylaw. This limitation is unique to the property and not the Single-Family III zoning district.

C) Desirable relief may be granted without either:

(1) Substantial detriment to the public good for the following reasons:

The proposed salon suites should not be confused with a traditional retail salon as they are individual, private suites, ranging in size from 80-130 SF that allow for private 1:1 client service. The proposed salon suites are to provide appointment-only service. Clients would proceed directly to their service provider's suite at their scheduled appointment time. There is no reception desk, waiting room, or retail area that is typical in a traditional retail salon. The building is operated as a secure facility, and clients may reach their service provider by intercom for entry upon their arrival. A copy of the proposed floor plan of the building has been attached hereto as Exhibit 2. Consequently, the medical facial esthetics services, along with ancillary personal salon and stylist services, would be considered a use, which by reason of its normal operation, would cause no readily observable differences in patronage, service, physical appearance, noise, employment or similar characteristics from the medical, dental and/or professional use anticipated by the grant of Special Permit dated March 6, 2006 attached hereto as Exhibit 1.

(2) Nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw for the following reasons:

The relief being sought from the Board would be simply a determination that the use being proposed by the Applicant, would be collectively considered a 'medical use' specifically allowed by the special permit of the Franklin Planning Board granted on March 6, 2006, attached hereto as Exhibit 1, and in accordance with Section 2.3b of 185 Attachment 3 Use Regulations Schedule Part II, rather than a use determined to be a Retail Sales and Services, Personal as defined in Section 185-3, which would otherwise not be permitted within the Single-Family III zoning district.

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

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

ZBA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Cocasset Aesthetics, PC, 17 Cocasset Street, Ste 2, Foxboro, Massachusetts 02035, d/b/a H2T Skin and Laser Center and ROSE AND JOE, LLC, 28 Tia Place, Franklin, Massachusetts 02038

PRESENT USE/OCCUPANCY: Commercial (Medical Office)

LOCATION: 435 King Street, Franklin, Massachusetts **ZONE:** Single Family Residential III

PHONE: 508-543-1112

REQUESTED USE/OCCUPANCY: Commercial (Medical Office)

		<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>
<u>Lot Area:</u>		<u>20,000 SF</u>	unchanged	<u>40,409 SFR (min.)</u>
<u>Continuous Frontage:</u>		<u>125.00</u>	<u>unchanged</u>	<u>152.35 (min.)</u>
<u>Size of Lot:</u>	Width	<u>112.50'</u>	<u>unchanged</u>	<u>incompliance (min.)</u>
	Depth	<u>160.00'</u>	<u>unchanged</u>	<u>209.88' (min)</u>
<u>Setbacks in Feet:</u>	Front	<u>40.00'</u>	<u>unchanged</u>	<u>40.00' (min.)</u>
	Rear	<u>30.00'</u>	<u>unchanged</u>	<u>94.10 (min.)</u>
	Left Side	<u>25.00'</u>	<u>unchanged</u>	<u>40.80' (min.)</u>
	Right Side	<u>25.00'</u>	<u>unchanged</u>	<u>74.50 (min.)</u>
<u>Building Height:</u>	Stories	<u>3</u>	<u>unchanged</u>	<u><3 (max.)</u>
	Feet	<u>35.00'</u>	<u>unchanged</u>	<u>30.00' (max.)</u>
<u>NO. of Dwelling Units:</u>		<u>n/a</u>	unchanged	<u>n/a (max.)</u>
<u>NO. of Parking Spaces:</u>		<u>40</u>	<u>unchanged</u>	<u>40 (min./max)</u>

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.



123848

Abutter's List Request Form

Status: Active

Date Created: Apr 28, 2023

Applicant

Richard Cornetta
richard@cornettalaw.com
4 West Street
Franklin, MA 02038
15085285300

Primary Location

435 KING ST
FRANKLIN, MA 02038

Owner:

ROSE AND JOE LLC
28 Tia Place Franklin, MA 02038

Abutter's List Request Form

Which Board/Commission is requiring this list?

Zoning Board of Appeals

What is the purpose for the request?

Special Permit/Variance

How would you like to receive this abutters list?

Emailed

What email address should we use to send you the abutters list?

richard@cornettalaw.com

General Parcel Information

Assessor's Parcel ID
303-104-000-000

Property Street Address
435 King Street

Property Owner Information

Property Owner
ROSE AND JOE LLC

Property Owner's Mailing Address
28 Tia Place

Town/City
Franklin

Zip/Postal Code
02038

State
MA

Property Owner Telephone Number
508-962-1965

Requestor's Information



300 foot Abutters List Report

Franklin, MA
May 01, 2023

Subject Property:

Parcel Number: 303-104-000
CAMA Number: 303-104-000-000
Property Address: 435 KING ST

Mailing Address: ROSE AND JOE LLC
28 TIA PLACE
FRANKLIN, MA 02038

Abutters:

Parcel Number: 303-041-000
CAMA Number: 303-041-000-000
Property Address: 370 KING ST

Mailing Address: MARGUERITE MARGARET, TR
PO BOX 1990
N FALMOUTH, MA 02556

Parcel Number: 303-042-000
CAMA Number: 303-042-000-000
Property Address: 380 KING ST

Mailing Address: MARGUERITE MARGARET, TR
MARGUERITE FAMILY TRUST
PO BOX 1990
N FALMOUTH, MA 02556

Parcel Number: 303-043-000
CAMA Number: 303-043-000-000
Property Address: 390 KING ST

Mailing Address: MARGUERITE MARGARET, TR C/O
BEAU GRASSIA- KING ST CAFE
390 KING ST
FRANKLIN, MA 02038

Parcel Number: 303-044-000
CAMA Number: 303-044-000-000
Property Address: 400 KING ST

Mailing Address: DECOY INC
PO BOX 1990
N FALMOUTH, MA 02556

Parcel Number: 303-048-000
CAMA Number: 303-048-000-000
Property Address: 466 KING ST

Mailing Address: HOTEL BUILDING CORPORATION ATTN:
TAGE
PO BOX 386
WESTON, MA 02493

Parcel Number: 303-050-000
CAMA Number: 303-050-000-000
Property Address: 457 KING ST

Mailing Address: INGRAHAM JANET M MULVEY CYNTHIA
A
457 KING ST -
FRANKLIN, MA 02038

Parcel Number: 303-054-000
CAMA Number: 303-054-000-000
Property Address: 11 BACON ST

Mailing Address: CARDIA JAMES P NESSON CARDIA
EMILY M
11 BACON ST
FRANKLIN, MA 02038

Parcel Number: 303-055-000
CAMA Number: 303-055-000-000
Property Address: 7 BACON ST

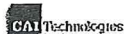
Mailing Address: GOEL ROHIT GOEL ROOPA
7 BACON ST
FRANKLIN, MA 02038

Parcel Number: 303-056-000
CAMA Number: 303-056-000-000
Property Address: 6 PARMENTER WAY

Mailing Address: FERNANDEZ-MARTIN JOSE M MARTIN
CAROL ELIZABETH
6 PARMENTER WAY
FRANKLIN, MA 02038

Parcel Number: 303-059-000
CAMA Number: 303-059-000-000
Property Address: PARMENTER WAY

Mailing Address: C/O FERNANDEZ-MARTIN JOSE M N/F
BELLA CONSTRUCTION CORP
6 PARMENTER WAY
FRANKLIN, MA 02038



www.cai-tech.com

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

5/1/2023

Page 1 of 3



300 foot Abutters List Report

Franklin, MA
May 01, 2023

Parcel Number: 303-061-000
CAMA Number: 303-061-000-000
Property Address: 5 PARMENTER WAY

Mailing Address: MELMED ANDREW J NICOLE L TRS
MELMED LIVING TRUST
5 PARMENTER WAY
FRANKLIN, MA 02038

Parcel Number: 303-062-000
CAMA Number: 303-062-000-000
Property Address: 3 PARMENTER WAY

Mailing Address: DIPHILIPPO MICHAEL & GERALDINE
TRS PARMENTER WAY REALTY TRUST
3 PARMENTER WAY
FRANKLIN, MA 02038

Parcel Number: 303-063-000
CAMA Number: 303-063-000-000
Property Address: 603 UNION ST

Mailing Address: CARLONE STEPHEN J CARLONE
JESSICA L
603 UNION ST
FRANKLIN, MA 02038

Parcel Number: 303-064-000
CAMA Number: 303-064-000-000
Property Address: 614 UNION ST

Mailing Address: JONES LINDA KRISTEN FINNEGAN
SCOTT E
614 UNION ST
FRANKLIN, MA 02038

Parcel Number: 303-094-000
CAMA Number: 303-094-000-000
Property Address: 602 UNION ST

Mailing Address: MCHENRY KRISTEN A ABATIS
COURTNEY A
602 UNION ST
FRANKLIN, MA 02038

Parcel Number: 303-095-000
CAMA Number: 303-095-000-000
Property Address: 2 ODYSSEY LN

Mailing Address: EVANS CHRISTOPHER P EVANS MARY
C
2 ODYSSEY LN
FRANKLIN, MA 02038

Parcel Number: 303-100-000
CAMA Number: 303-100-000-000
Property Address: 5 ODYSSEY LN

Mailing Address: SHUMWAY STUART D
5 ODYSSEY LN
FRANKLIN, MA 02038

Parcel Number: 303-101-000
CAMA Number: 303-101-000-000
Property Address: 3 ODYSSEY LN

Mailing Address: DAWICKI DOLORETTA D OLIVEIRA
CHRISTINE
3 ODYSSEY LN
FRANKLIN, MA 02038

Parcel Number: 303-102-000
CAMA Number: 303-102-000-000
Property Address: 604 UNION ST

Mailing Address: SEGAL JAY R SEGAL JULIEANN M
604 UNION ST
FRANKLIN, MA 02038

Parcel Number: 303-103-000
CAMA Number: 303-103-000-000
Property Address: 606 UNION ST

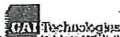
Mailing Address: BECTOR VIKAS
606 UNION ST
FRANKLIN, MA 02038

Parcel Number: 303-104-000
CAMA Number: 303-104-000-000
Property Address: 435 KING ST

Mailing Address: ROSE AND JOE LLC
28 TIA PLACE
FRANKLIN, MA 02038

Parcel Number: 303-105-000
CAMA Number: 303-105-000-000
Property Address: 409 KING ST

Mailing Address: TODESCO FRANK L TODESCO KAREN
M
409 KING ST
FRANKLIN, MA 02038



www.cal-tech.com

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

5/1/2023

Page 2 of 3



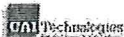
300 foot Abutters List Report

Franklin, MA
May 01, 2023

Parcel Number: 303-106-000
CAMA Number: 303-106-000-000
Property Address: 407 KING ST

Mailing Address: BARTLETT PAUL J & VICTORIA J TRS
BARTLETT FAMILY REVOC TRUST
407 KING ST
FRANKLIN, MA 02038

Kevin W. Doyle, 5-1-2023



www.cal-tech.com

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

5/1/2023

Page 3 of 3

Abutters List Report - Franklin, MA

[HOME](#)[SEARCH](#)[SUMMARY](#)[INTERIOR](#)[EXTERIOR](#)[SALES](#)[MAPS](#)[ABOUT](#)

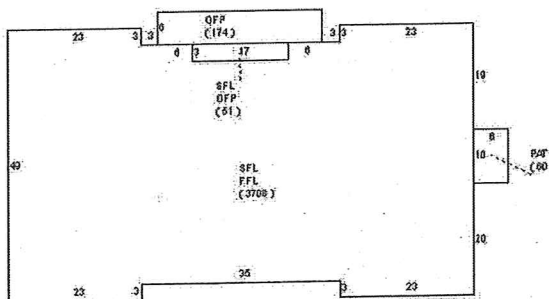
| [Assessors Record Card](#) | [Summary Record Card](#) | [Previous Assessment](#) |
[Condo Info](#) | [Sales](#) | [Zoning](#) | [Comments](#) |

WebPro

Card 1 of 1

Location 435 KING ST**Property Account Number** 041-006**Parcel ID** 303-104-000-000**Old Parcel ID** -041-006-**Current Property Mailing Address****Owner** ROSE AND JOE LLC**Address** 28 TIA PLACE**City** FRANKLIN**State** MA**Zip** 02038**Zoning****Current Property Sales Information****Sale Date** 12/28/2011**Sale Price** 1**Legal Reference** 29497-243**Grantor(Seller)** ROSE AND JOE LLC**Current Property Assessment****Year** 2023**Land Area** 0.928 acres**Card 1 Value****Building Value** 1,433,700**Xtra Features Value** 36,500**Land Value** 489,600**Total Value** 1,959,800**Narrative Description**

This property contains 0.928 acres of land mainly classified as MEDCL OFFICE with a(n) N/A style building, built about 2006 , having N/A exterior and N/A roof cover, with 2 unit(s), 0 total room(s), 0 total bedroom(s), 0 total bath(s), 5 total half bath(s), 0 total 3/4 bath(s).

Legal Description**DEV-BLDR LOT 2 PLAN 2511****Property Images**

Property Address: 435 King Street, Franklin, MA 02038

NOT
A N
O F F I C I A L
RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA
CERTIFY
William P O'Donnell
WILLIAM P O'DONNELL, REGISTER

Bk 05995 Pg 143 #81118
08-21-2008 @ 01:34p
A N
O F F I C I A L
C O P Y

QUITCLAIM DEED

SARAH JOE LLC, a Massachusetts limited liability company with a principal place of business at 120 Lewis Street, Franklin, Norfolk County, Massachusetts for consideration paid of TWO MILLION TWO HUNDRED THOUSAND and 00/100ths DOLLARS (\$2,200,000.00) grants to ROSE AND JOE LLC, a Massachusetts limited liability company, with a principal place of business at 28 Tia Place, Franklin, Norfolk County, Massachusetts with QUITCLAIM COVENANTS:

A certain parcel of land with the buildings thereon situated on the corner of King and Union Streets, Franklin, Norfolk County, Massachusetts, and being shown as Lot 2 on a plan entitled "Plan of Land in Franklin, Mass.", dated April 26, 1975, drawn by Walter E. Sampson, Reg. Land Surveyor, and recorded in the Norfolk County Registry of Deeds as Plan No. 274 of 1975 in Book 5126, Page 5, to which reference may be had for a more particular description.

Said Lot 2 contains 40,409 square feet according to said plan.

The Premises are conveyed subject to a Restrictive Covenant dated May 27, 1999 and recorded with the Norfolk County Registry of Deeds in Book 13499, Page 474.

The Premises are conveyed subject to and together with the benefit of Town of Franklin Planning Board Decisions dated March 6, 2006 and recorded with the Norfolk County Registry of Deeds in Book 23517, Pages 337, 340 and 345.

For grantor's title, see deed dated June 7, 2006 recorded with the Norfolk County Registry of Deeds at Book 23751, Page 423.

CANCELLED
RECORDED
DEC 22 2008
NORFOLK

12/21/08 1:42PM 01
10000 #7344
FEE \$10032.00
CASH \$10032.00

NOT
A N
O F F I C I A L
EXECUTED as an instrument under seal this 21st day of August, 2008.

SARAH JOE LLC

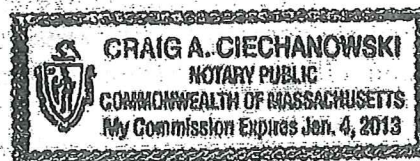
By: Joseph E. McGann
Joseph E. McGann, Manager

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this 21st day of August, 2008, before me, the undersigned notary public, personally appeared Joseph E. McGann, as Manager of Sarah Joe LLC, proved to me through satisfactory evidence of identification, being (check whichever applies): _____
Driver's License or other state or federal governmental document bearing a
photographic image, _____ Oath or Affirmation of a credible witness known to me who
knows the above signatory, or ☒ *My Own personal knowledge of the identity of the*
signatory, to be the person(s) whose name is signed on the preceding or attached
document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Craig A. Ciechanowski
Notary Public:
My commission expires:



**COMMONWEALTH OF MASSACHUSETTS
TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

NORFOLK, ss.

IN RE: **Application for Determination (Special Permit) Allowing a Change, Extension or
Alteration of Non-Conforming Use/Application for Variance for Use**
LOCUS: **435 King Street, Franklin, Massachusetts 02038**

**MEMORANDUM IN SUPPORT OF APPLICATION
FOR DETERMINATION (SPECIAL PERMIT) OR VARIANCE**

LOCUS HISTORY

1. **Relevant District.** The Locus is located wholly within the Single-Family Residential III (SFIII) zoning district.
2. **Location.** The Locus consists of a parcel of land with an approximate area of .928 acres, more or less, located along the northerly side of King Street, at the intersection of King Street and Union Street. The postal address of the Locus is 435 King Street, Franklin, Massachusetts 02038, and is identified on the Franklin Assessor's Map 303, as Parcel 104. The Locus presently contains a two-story wood framed building, constructed about 2006, with a gross floor area of approximately 8,800 square feet, along with a bituminous paved parking area which facilitates the parking of approximately forty (40) motor vehicles.
3. **Previous Use.** The Locus previously served as professional/medical offices.
4. **Proposed/Current Use.** The Locus presently serves as the professional/medical offices of Cocasset Aesthetics, PC, doing business as H2T Skin and Laser Center, an aesthetic medical practice providing cosmetic, dermatologic treatment for skin, scalp and hair health.

5. **Zoning Tabulation: Required/Existing/Proposed.**

OVERALL LOT INFORMATION	Required	Existing	Proposed
Minimum Lot Area (sq.ft.)	20,000	40,409	unchanged
Minimum Lot Frontage (feet)	125'	152.35	unchanged
Minimum Lot Depth (feet)	160'	209.88'	unchanged
Minimum Lot Width (circle diameter)	112.5'	in compliance	unchanged
Minimum Bldg Coverage	25%	10.8%	unchanged
Minimum Bldg/Pav Coverage	35%	52%*	unchanged
Minimum Front Setback	40.00'	40.00'	unchanged
Minimum Side Setback	25.00'	74.52'	unchanged
Minimum Rear Setback	30.00'	94.10'	unchanged
Maximum Bldg Height	35.00'	30.00'	unchanged
Parking Spaces	40	40	unchanged

*Allowed by Special Permit

PRESENT APPLICANT/APPLICATION

6. **Applicant/Owner.** The present applicant is Cocasset Aesthetics, PC, 17 Cocasset Street, Ste 2, Foxboro, Massachusetts 02035, doing business as H2T Skin and Laser Center; and the present owner of the Locus is ROSE AND JOE, LLC with a principal mailing address at 28 Tia Place, Franklin, Massachusetts 02038.

7. **Requested Action.** The present application before the Board requests certain Zoning Relief, more specific: (1) render a determination that the personal salon and stylist services planned to be offered, which may be in addition, in connection or ancillary to the medical services being provided at the Locus would be considered a use consistent with, and not substantially different than, the medical uses allowed at the Locus by Special Permit of the Franklin Planning Board dated March 6, 2006, attached hereto as Exhibit 1, or alternately, (2) grant a variance to allow such personal salon and stylist services in accordance with Massachusetts General Law, Chapter 40A, §10, and the Code of the Town of Franklin, Chapter 185, §45 D.(2).(b).

DETERMINATION THAT PROPOSED USE AT THE LOCUS COMPLY WITH SPECIAL PERMIT

8. Application of Criteria of Special Regulations of Article V, § 185-18.

The proposed use at the Locus is an aesthetic medical practice providing cosmetic, dermatologic treatment for skin, scalp and hair health. In addition to medical facial esthetics, the Applicant would offer non-medical solutions for those suffering with hair loss which may include personal salon and stylist services. It is these personal salon and stylist services planned to be offered at the Locus, that would present the reason for the Applicant's request for relief. A strict interpretation of the Town Code, specifically the definitions section of 185-3, would indicate that a 'retail salon' (Retail Sales and Services, Personal), would not be permitted within the Single-Family III zoning district. The Applicant purports that the proposed blending of non-medical, medical, and surgical solutions and its varied cosmetic and dermatologic treatments, including the stylist and salon services, require a more nuanced classification of the 'use' proposed for the Locus. In the absence of specific guidance within the Town Code to address this distinction and in making such a determination, the Applicant directs the Board to consider application of the criteria set forth to determine a suitable change of a non-conforming use found in Section 185-18.B.(1), to wit:

Criteria. Changes to non-conforming use.

(1) Any nonconforming use of a building or structure may be changed to another nonconforming use, provided the changed use is not a substantially different use, except as provided in Subsection B(2) below, and approval for the change is granted by special permit for an exception by the Board of Appeals. For the purpose of this section, a "substantially different use" is a use which by reason of its normal operation would cause readily observable differences in patronage, service, physical appearance, noise, employment or similar characteristics from the existing nonconforming use or from any permitted use in the zoning district in which the subject property is located.

CONDITIONS FOR APPROVAL

9. The personal salon and stylist services planned to be offered in addition, connection or ancillary to the medical services being provided at the Locus would not be considered a substantially different use.

The H2T Skin and Laser Center originated in 2013 in Foxboro, Massachusetts as a comprehensive day spa, including full body services and treatments. Since its humble beginnings with one employee, it has grown

to three locations with an emphasis on an aesthetic medical practice providing cosmetic, dermatologic treatment for skin, scalp and hair health, with 25 employees, consisting of physicians, nurses, nurse practitioners, medical estheticians, practice managers, sales and marketing professionals and patient care representatives.

The third and latest location of H2T Skin and Laser Center is located at the subject Locus in Franklin dedicated to hair restoration and transplantation. In addition to medical facial esthetics, H2T Skin and Laser Center would offer non-medical, medical, and surgical solutions for those suffering with hair loss (as many as 85% of men and 50% of women experience hair loss), which may include personal salon and stylist services planned to be offered in addition to, in connection with or ancillary to such medical facial esthetics.

The proposed H2T salon suites would provide ancillary support to the primary services provided by the skin and laser center. Initially conceptualized as an ancillary support for the principal medical facial esthetic services, it would be a missed opportunity to deny services to clients who are not current clients of the skin and laser center. The hair restoration and transplant center's survival could significantly depend on referrals from the providers in the salon suites. Those 85% of men and 50% of women suffering with hair loss usually start an initial dialogue with their stylist who can make the initial referral.

The Locus presently contains a two-story wood framed building, constructed about 2006, with a gross floor area of approximately 8,800 square feet, along with a bituminous paved parking area which facilitates the parking of approximately forty (40) motor vehicles. The proposed salon suites should not be confused with a traditional retail salon as they are individual, private suites, ranging in size from 80-130 SF that allow for private 1:1 client service. The proposed salon suites are to provide appointment-only service. Clients would proceed directly to their service provider's suite at their scheduled appointment time. There is no reception desk, waiting room, or retail area that is typical in a traditional retail salon. The building is operated as a secure facility, and clients may reach their service provider by intercom for entry upon their arrival. A copy of the proposed floor plan of the building has been attached hereto as Exhibit 2. Consequently, the medical facial esthetics services, along with ancillary personal salon and stylist services, would be a considered a use, which by reason of its normal operation, would cause no readily observable differences in patronage, service, physical appearance, noise, employment or similar characteristics from the previous use anticipated by the grant of Special Permit dated March 6, 2006 attached hereto as Exhibit 1.

APPROVAL VARIANCE APPROVAL

10. Variance Requirements under M.G.L., Chapter 40A, § 10 and Section 185-45(D)(2)(b) of the Code of the Town of Franklin.

Criteria. Variances from the terms of this chapter, including variances for use, may be authorized by the Board of Appeals with respect to particular land or structures, but only in cases where the Board finds all of the following:

[1] *A Literal enforcement of the provisions of this Zoning bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.*

[2] *The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures, and especially affecting such land or structures but not affecting generally the zoning district in which it is located.*

[3] *Desirable relief may be granted without either:*

[a] *substantial detriment to the public good; or*

[b] *nullifying or substantially derogating from the intent or purpose of this chapter.*

CONDITIONS FOR APPROVAL

11. A literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise to the petitioner or appellant.

The Applicant (Cocasset Aesthetics, PC, doing business as H2T Skin and Laser Center) seeks use of the property located at 435 King Street (SFIII Zone) as an aesthetic medical practice providing cosmetic, dermatologic treatment for skin, scalp and hair health, which may include personal salon and stylist services planned to be offered in addition to and/or in connection with such medical facial esthetic services. The Locus is improved with an existing 8,800 square foot commercial building and associated bituminous paved parking area that accommodates the parking of approximately forty (40) motor vehicles, and as such, the intended use for the property is most likely commercial in nature, rather than the predominant use as a single-family residential home. The existence of this sizable commercial structure (and associated parking and site

improvements) in a principally residential zoning district creates an economic hardship in the identification and siting of an appropriate occupant and use for the property which would be permitted by the Zoning Bylaw. In addition to the commercial characteristics of the existing property improvements, the property is uniquely located immediately adjacent to (across the street) the commercial district located along the southerly side of King Street, which includes several restaurants (ie. Sierra's Coal Fired Pizza & Pub; King Street Café; The Chateau), a fuel service station/convenience store (ie. Cumberland Farms), a commercial shopping plaza with varied commercial uses (ie. Silver Maple Commons Plaza) and two multi-story hotels. The current characteristics of the existing building and parking area, coupled with the property's proximity to the commercial district, make use of the property for single-family residential purpose an undesirable use and not feasible for the property. Without the grant of the use variance relief as requested to allow for the proposed use of the property, it becomes economically difficult or feasible to identify a single-family residential use or limited commercial use appropriate for the property that would also be permitted by the Code.

12. The desirable relief may be granted without any substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

The hardship is owing principally to the current commercial improvements constructed on the property characterized by a two-story wood framed structure, constructed about 2006, with a gross floor area of approximately 8,800 square feet, along with a bituminous paved parking area which accommodates the parking of approximately forty (40) motor vehicles, which would not be conducive for the principal residential use as intended by the Bylaw. This limitation is unique to the property and not the Single-family III zoning district.

The proposed salon suites should not be confused with a traditional retail salon as they are individual, private suites, ranging in size from 80-130 SF that allow for private 1:1 client service. The proposed salon suites are to provide appointment-only service. Clients would proceed directly to their service provider's suite at their scheduled appointment time. There is no reception desk, waiting room, or retail area that is typical in a traditional retail salon. The building is operated as a secure facility, and clients may reach their service provider by intercom for entry upon their arrival. A copy of the proposed floor plan of the building has been attached hereto as Exhibit 2. Consequently, the medical facial esthetics services, along with ancillary personal salon and stylist services, would be considered a use, which by reason of its normal operation, would cause no readily observable differences in patronage, service, physical appearance, noise, employment or similar characteristics

from the medical, dental and/or professional use anticipated by the grant of Special Permit dated March 6, 2006 attached hereto as Exhibit 1.

The relief being sought from the Board would be simply a determination that the use being proposed by the Applicant, would be collectively considered a 'medical use' specifically allowed by the special permit of the Franklin Planning Board granted on March 6, 2006, attached hereto as Exhibit 1, and in accordance with Section 2.3b of 185 Attachment 3 Use Regulations Schedule Part II, rather than a use determined to be a Retail Sales and Services, Personal as defined in Section 185-3, which would otherwise not be permitted within the Single-Family III zoning district.

[END OF TEXT]

WHEREFORE, the Applicant respectfully requests certain Zoning Relief, more specific: (1) render a determination that the personal salon and stylist services planned to be offered in addition, connection or ancillary to the medical services being provided at the Locus would be considered a use consistent with, and not substantially different than, the medical use allowed at the Locus by Special Permit of the Franklin Planning Board dated March 6, 2006, attached hereto as Exhibit 1, or alternately, (2) Grant a variance to allow such personal salon and stylist services in accordance with Massachusetts General Law, Chapter 40A, §10, and the Code of the Town of Franklin, Chapter 185, §45 D.(2).(b).

Dated: May 15, 2023

Respectfully submitted,
Cocasset Aesthetics, PC
By Its Attorneys,

Richard R. Cornetta, Jr.

Richard R. Cornetta, Jr., Esquire
Cornetta, Ficco & Simmler, P.C.
Four West Street
Franklin, MA 02038
T: (508)528-5300
F: (508)528-5555
E: richard@cornettalaw.com

EXHIBIT 1

Town of Franklin

Tel (508) 520-4907

Fax (508) 520-4906

23517,340
#32359



Planning Board

355 East Central Street
Franklin, Massachusetts 02038-1352

March 6, 2006

Deborah L. Pellegrini, Town Clerk
Town of Franklin
355 East Central Street
Franklin, MA 02038

CERTIFICATE OF VOTE - SPECIAL PERMIT - MEDICAL AND DENTAL USE - MCGANN PROFESSIONAL BUILDING

Site Plan: McGann Professional Building

Owner: John Dean Trustee
RJP Realty Trust
P.O. Box 213
Franklin, MA 02038

Applicant: Joseph McGann
122 Lewis Street
Franklin, MA 02038

Prepared By: Surveyor/ Engineer: Guerriere & Halnon, Inc.

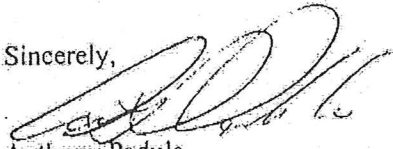
Dated: October 17, 2005 and revised thru February 28, 2006

Property Location: 435 King Street
Assessors Map 303, Lot 104

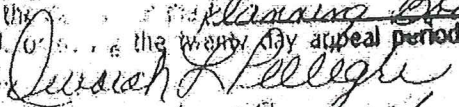
Dear Mrs. Pellegrini:

Please be advised that at it's meeting on Monday, February 27, 2006, the Planning Board, upon motion duly made and seconded, voted (4-0-1) to **APPROVE, WITH CONDITIONS**, the Special Permit for Medical and Dental Use. The Conditions of Approval are listed on pages 2-5, attached hereto.

Sincerely,


Anthony Padula,
Chairman

cc: Owner/Applicant
Building Commissioner
DPW Director
Engineer

I, Deborah L. Pellegrini, Town Clerk, Franklin, Mass.
do hereby certify that the above has been received
since the Planning Board
Board of the twenty day appeal period.
Attest: 
Date: March 28, 2006

Special Permit – McGann Professional Building

Page 2 of 5

PROJECT DESCRIPTION – SPECIAL PERMIT – MCGANN PROFESSIONAL BUILDING

The premises affected by the special permit use is to be known as McGann Professional Building and is a portion of Franklin Tax Assessor's Map 066, Lot 304 and 306. The McGann Professional Building premises is located in a Single Family Residential III zoning district.

PUBLIC HEARING – SPECIAL PERMIT – MCGANN PROFESSIONAL BUILDING

Under Section 185-7. Compliance Required – Professional, medical, or dental offices are permitted by the Town of Franklin Zoning Codes, as long as the applicant is granted a special permit by the Franklin Planning Board, which is designated as the special permit granting authority for a special permit to allow office use in a Single Family Residential III zoning district.

A proper and complete notice of the November 7, 2005, December 5, 2005 and February 27, 2006 public hearings were posted in the Franklin Municipal Building and in the appropriate local newspaper in accordance with the Franklin Zoning Code and Massachusetts General Laws. A proper and complete notice was also sent to all persons and parties required by law to receive such notice.

Incorporated as part of the record are the following:

1. "McGann Professional Building Site Plan in Franklin, Massachusetts." dated October 17, 2005, and revised thru October 31, 2005 by Guerriere & Halnon Inc.
2. Application for Special Permit for Professional, medical or dental offices from Joe McGann, as applicant;
3. Traffic AM peak hour, PM peak hour and weekday sheets.
4. Storm Drainage Analysis dated October 17, 2005, by Guerriere & Halnon Inc.
5. Memorandum dated November 3, 2005, December 5, 2005 and February 23, 2006, from Department of Planning and Community Development
6. Letter dated February 22, 2005, from the Town Engineer.
7. Letter dated December 5, 2005 and February 24, 2006, from Vine & Associates, Inc.
8. Memorandum dated October 19, 2005, from the Police Safety Officer.
9. Letter dated February 22, 2006, from the Building Commissioner.
10. Affidavits and Photos from abutters.

PRESENTATION – SPECIAL PERMIT – MCGANN PROFESSIONAL BUILDING

At the public hearing on November 7, 2005, December 5, 2005, and February 27, 2006, the applicants engineer indicated that the proposed sites premises is located entirely within Single Family Residential III zoning district as shown on the Franklin Zoning Map. As indicated on the Project Plans, the applicant noted that the business would be operated under the name of McGann Professional Building.

The applicant's representative and his engineer described the site plan, which proposed to allow them to have a professional, medical or dental office within a Single Family Residential III zoning district.

Special Permit – McGann Professional Building

Page 3 of 5

The applicants engineer described the site plan and proposed parking area. Prior to meeting with the Planning Board, the applicants engineer had reviewed the project plans with town departments and has responded to comments.

The Planning Board reviewed (1) the applicant's detailed written application, (2) the Project Plans and supporting materials, (3) written reports from town departments, and (4) oral testimony from abutters.

At the public hearing on November 7, 2005, December 5, 2005 and February 27, 2006, additional testimony was taken from the applicant, his engineer, his traffic consultant, abutters, and town departments. The Board then voted to close the public hearing.

FINDINGS OF FACT – SPECIAL PERMIT – MCGANN PROFESSIONAL BUILDING

After completing the above-described review of the submitted written materials and oral testimony, including the recommendations and comments of the various Town of Franklin agencies and representatives, independent consultant, and members of the public, the Board deliberated on the applicant's special permit application and applied the following criteria from Chapter 185-45 (E)(3) of the Franklin Zoning Code:

"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."

A determination shall indicate consideration of each of the following:

- (a) Social, economical or community needs which are served by the proposal;
- (b) Traffic flow and safety;
- (c) Adequacy of utilities and other public services;
- (d) Neighborhood character and social structure;
- (e) Qualities of the natural environment;
- (f) Potential fiscal impact; and
- (g) Water consumption, taking into consideration current and projected future local water supply and demand

The Board's consideration of the above criteria resulted in the following determinations:

- (a) The social, economical and community needs of the Town of Franklin would be well served by the proposal.
- (b) The project will not have an adverse impact on the traffic flow and safety of the surrounding area.
- (c) The Board finds that the granting of the special permit will not have an adverse impact on utilities or other public services.
- (d) The Board finds the project will not have a negative impact on the surrounding neighborhood character or social structure

Special Permit – McGann Professional Building

Page 4 of 5

- (e) The Board finds that the project will not have a negative impact on the natural environment.
- (f) The Board finds that the project will have a positive fiscal impact.
- (g) The Board finds that the Project will not have an adverse effect on current or projected future water supply and demand. Water demand is less than 15,000 gallons per day and does not require a special permit.

DECISION – SPECIAL PERMIT – MCGANN PROFESSIONAL BUILDING

In light of the foregoing, the Board specifically determines that the use of the premises will not have adverse effects, which overbalance its beneficial effects on either the neighborhood or the Town. The Board also finds that the McGann Professional Building's use is in harmony with general purpose and intent of the Franklin Zoning Code. The Planning Board did ask the applicant to only allow medical and dental uses. The applicant agreed to this request.

Accordingly, at the Planning Board meeting on Monday, February 27, 2006 the Planning Board, upon motion duly made and seconded, voted (4-0-1) to *APPROVE with Conditions* the applicant's request to allow Medical and/or Dental offices within a Single Family Residential III zoning district, as noted on the plan dated October 17, 2005, and revised through February 28, 2006.

The following members of the Planning Board were present at the hearing and voted as follows:

Mr. Padula	YES
Mr. Chilson	YES
Mr. Lamberto	YES
Mr. Ristaino	YES
Ms. Duncan	ABSTAIN

The granting of this Special Permit will not be valid until it has been recorded with the Norfolk Registry of Deeds and filed with the Norfolk Registry District of the Land Court, and upon such recording and filing, this Special Permit shall run with the Site Plan and shall not be construed to run with the land (see Condition 1 below). It shall be the applicant's responsibility to record and file this decision.

Any person aggrieved by the above decision of the Franklin Planning Board may file an appeal pursuant to Massachusetts General Laws Chapter 40A, Section 17. Such appeal must be filed within twenty (20) days after the filing of the notice of the Board's decision with the Town Clerk.

CONDITIONS OF APPROVAL – SPECIAL PERMIT – MCGANN PROFESSIONAL BUILDING

1. This Special Permit shall only apply to the above referenced Site Plan, which was approved by a vote of (4-0-1) and was dated October 17, 2005 and revised thru February 28, 2006. This Special Permit shall not be construed to run with the land and shall run with the Site Plan. Any change of use, demolition and rebuild, or other major alteration to the above referenced Site Plan shall require a new Special Permit if such a use, demolition and rebuild, or alteration would require such a special permit under the Zoning Bylaws of the Town of Franklin.

Special Permit – McGann Professional Building

Page 5 of 5

2. All applicable laws, by-laws, rules, regulations, and codes shall be complied with, and all necessary licenses, permits and approvals shall be obtained by the owner/applicant.
3. This Special Permit shall lapse if a substantial use or construction has not begun, except for good cause, within twenty four (24) months of approval.
4. Construction or operations under this Special Permit shall conform to any subsequent amendment of the Town of Franklin Zoning Bylaw (§185) unless the use or construction is commenced within a period of six (6) months after the issuance of this Special Permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.
5. All vehicular deliveries to the site must be done on private property. No delivery vehicles will be permitted to park on King or Union Streets to make deliveries.
6. Only true medical or dental uses will be permitted within the building. The building will have four offices only. The applicant will come back to the planning Board to consider any other professional use.
7. All tenants and employees of the building will conform to the parking and circulation signage posted within the site.
8. The applicant shall provide either a speed bump or table, to act as a traffic calming measure, across the King Street Entrance as close to the parking lot as possible.
9. Roof areas will not be used as habitable space. They will be used for storage or mechanicals only.
10. Hours of operation: The intent is 9 a.m. – 5 pm operation. The control is 9 a.m. – 7 pm.
11. Exterior screenage will be planted prior to the commencement of construction.
12. The applicant will provide controlled lighting.
13. Applicant will supply an easement for wall construction and screenage to be added on the Calarese property.

EXHIBIT 2

McGann Professional Building

435 KING STREET
FRANKLIN, MASSACHUSETTS

ZONING BOARD OF APPEALS

RECEIVED
TOWN OF FRANKLIN
MAY 18 2023

JOB NO.
F3216

INDEX OF DRAWINGS

1. COVER SHEET
2. EXISTING CONDITIONS
3. SITE LAYOUT
4. GRADING AND UTILITIES
5. SITE LANDSCAPING
6. PHOTOGRAPHIC PLAN
7. CONSTRUCTION DETAILS



VICINITY MAP 11-000

APPLICANT:

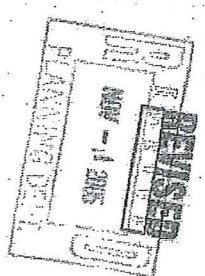
JOSEPH MCGANN
122 LEWIS STREET
FRANKLIN, MA. 02038

OWNER:

JOHN DEAN, JR.
RJP REALTY TRUST
P.O. BOX 213
FRANKLIN, MA. 02038

ARCHITECT:

ALLEVATO ARCHITECTS, INC
31 HAYWARD STREET
FRANKLIN, MA. 02038



SITE PLAN
APPROVED DATE
FRANKLIN PLANNING BOARD

DATE _____

REVISIONS	
DATE	REASON
10/2/02	FOR TOWN BOARD

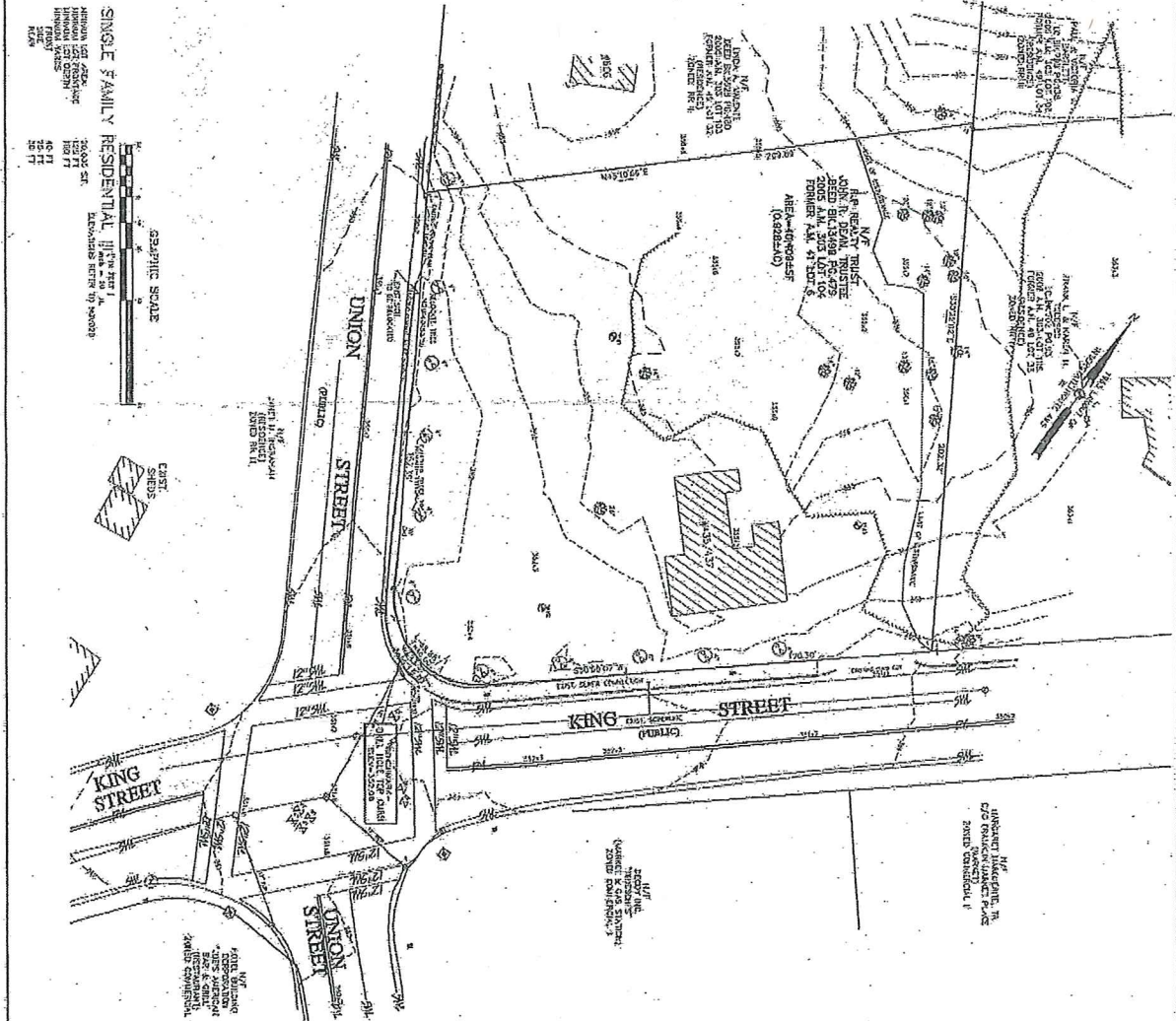
Guerriere & Holton, Inc.
Engineering & Surveying
1000 Main Street
Franklin, MA 02038
www.guerriereholton.com


DESIGNED BY: SCALE AS SHOWN
DATE: NOVEMBER 14, 2005
SHEET: 1 OF 7
JOB NO. F3216

DISCLAIMER:
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LEADER		FOLLOWER	
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99	leader	100	leader

0-12	TOP 4
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18-24	OCASE
24-30	GRAC
30-36	ORDALS
36-42	FILE
42-48	SAND

[illegible]

JOO NO. F3216	
SITE PLAN APPROVED DATE _____ FRANKLIN PLANNING BOARD	
APPLICANT: JACOB HAHN 122 KING STREET PHILADELPHIA, PA 19106 OWNER: JOHN DEAN, JR. 425 BEAVER BROOK FRANKLIN, MA 02034 ARCHITECT: ALVARO ASSOCIATES, INC. 100 STATE STREET FRANKLIN, MA 02035	DATE _____ REVISIONS _____ TO SCALE FOR YOUR CONVENIENCE
 <p>Guertiere & Hahn, Inc.</p> <p>Landscape & Land Services 200 WASHINGTON ST., SUITE 200 NEWTON, MASSACHUSETTS 02459 TEL: (617) 552-2221 FAX: (617) 552-2222 www.guertiere.com</p>	
EXISTING CONDITIONS MCGANN PROFESSIONAL BUILDING SITE PLAN IN FRANKLIN MASSACHUSETTS	
DATE OCTOBER 17, 2005	SCALE 1"=20'
SHEET 2 OF 7 JOB NO. F3216	

LEGEND	
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95. EXISTING LOT	96. EXISTING LOT
97. EXISTING LOT	98. EXISTING LOT
99. EXISTING LOT	100. EXISTING LOT

ZONE: SINGLE FAMILY RESIDENTIAL III

MINIMUM LOT AREA - 4,000 SQ. FT.
 MINIMUM LOT FRONTAGE - 100 FT.
 MINIMUM LOT DEPTH - 100 FT.
 MINIMUM LOT WIDTH - 100 FT.
 MINIMUM LOT AREA - 4,000 SQ. FT.
 MINIMUM LOT FRONTAGE - 100 FT.
 MINIMUM LOT DEPTH - 100 FT.
 MINIMUM LOT WIDTH - 100 FT.

PARKING REQUIREMENTS

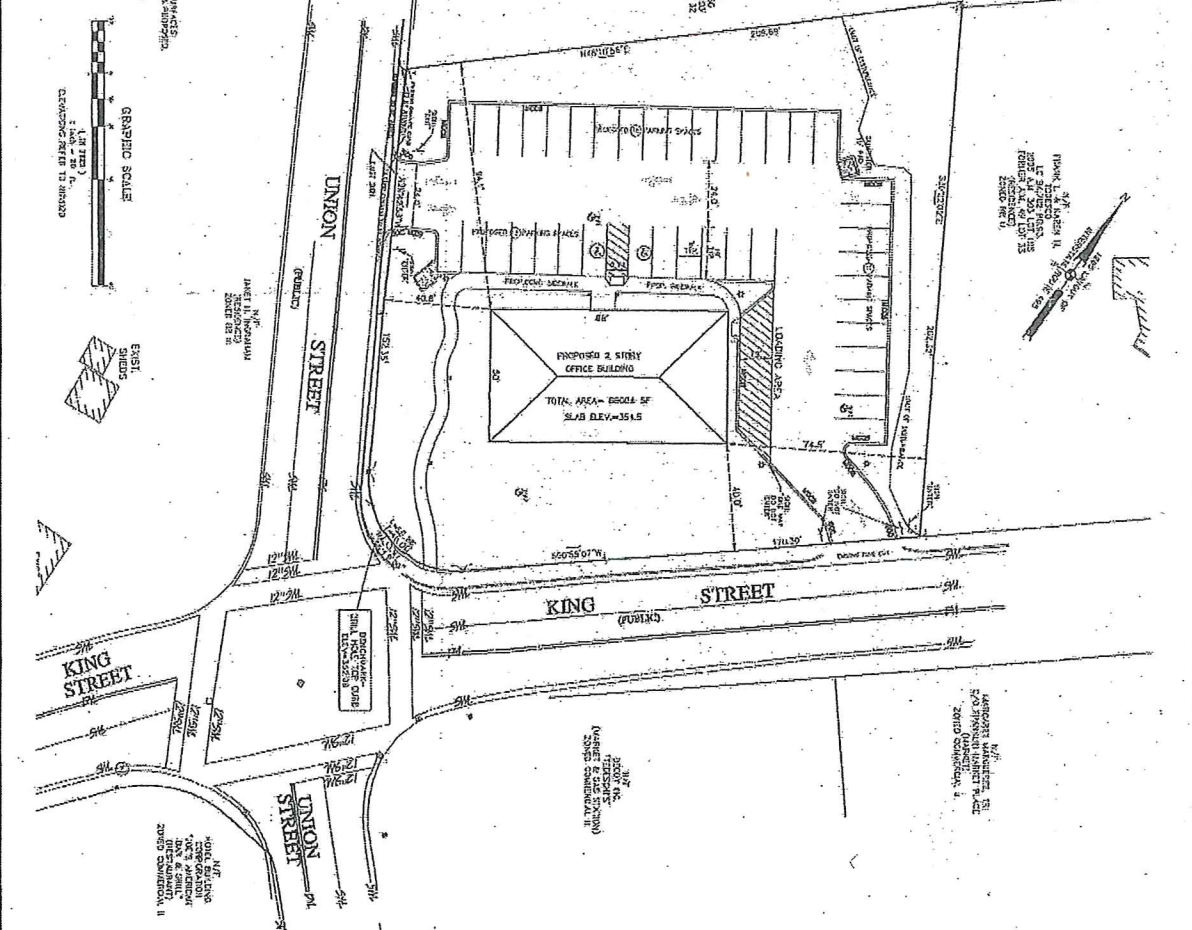
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NOTES

1. NO EARTH REMOVAL OFF OF SITE IS REQUIRED.
2. THERE ARE NO UTILITIES ON THE SITE AND THERE ARE NO UTILITIES TO BE DELETED.
3. THIS SITE IS NOT IN A FLOOD HAZARD ZONE.
4. NO EARTHWORK WILL BE DISCHARGED INTO ANY WATERWAY.
5. PRE CONSTRUCTION MEETING WITH DPW IS REQUIRED.
6. THE CONTRACTOR SHOULD VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.
7. ALL UTILITIES SHOULD BE DELETED TO THE DEPTH OF THE PROPOSED CONSTRUCTION.
8. CONTRACTORS & ADJACENT ARE TO VERIFY SITE CONDITIONS PRIOR TO CONSTRUCTION.
9. REFER TO PLANNING DEPARTMENT FOR 304 LOT 1A.
10. ELEVATIONS REFER TO NGVD OF 1929. BENCHMARK STATION 11. THERE ARE NO TREES DESIGNATED AS "PARK SHED TREES" ON THIS SITE TO BE REMOVED FOR THE SITE PLAN.
12. ALL PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ZONING ORDINANCE.
13. THIS SITE IS NOT IN A WATER RESERVE DISTRICT.
14. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ZONING ORDINANCE.
15. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ZONING ORDINANCE.
16. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ZONING ORDINANCE.
17. SEWER AND WATER SERVICES EXIST ON SITE.

SPECIAL PERMIT REQUESTS

REQUEST FOR SPECIAL PERMIT: 304 LOT 1A
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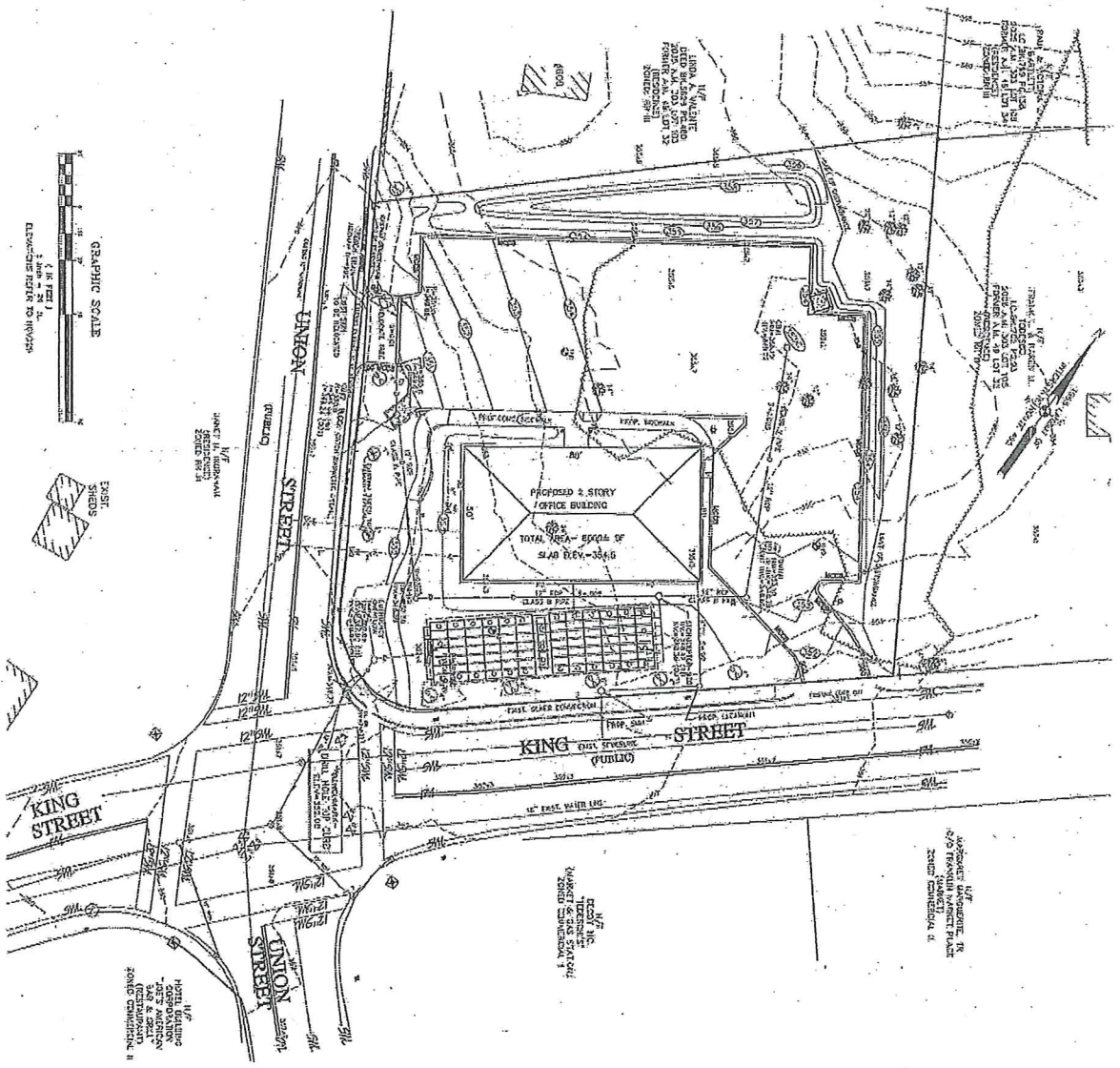
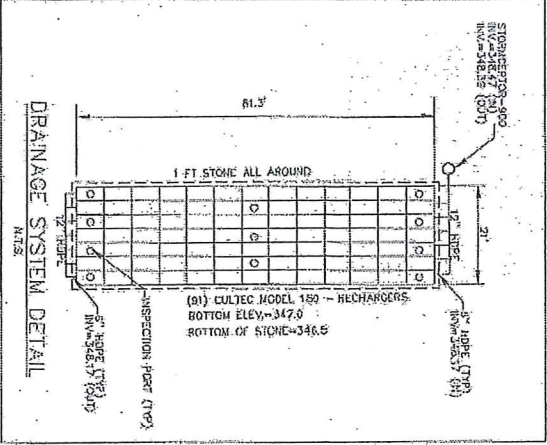


SITE PLAN APPROVED DATE FRANKLIN PLANNING BOARD		JOB NO. F3216
DATE _____		
REVISIONS DATE _____		
DESIGNED BY CHECKED BY DRAWN BY PLANNING BOARD		
SCALE 1" = 40'		
SHEET 3 OF 7		
PROJECT 304 LOT 1A		
DRAWING NO. F3216		
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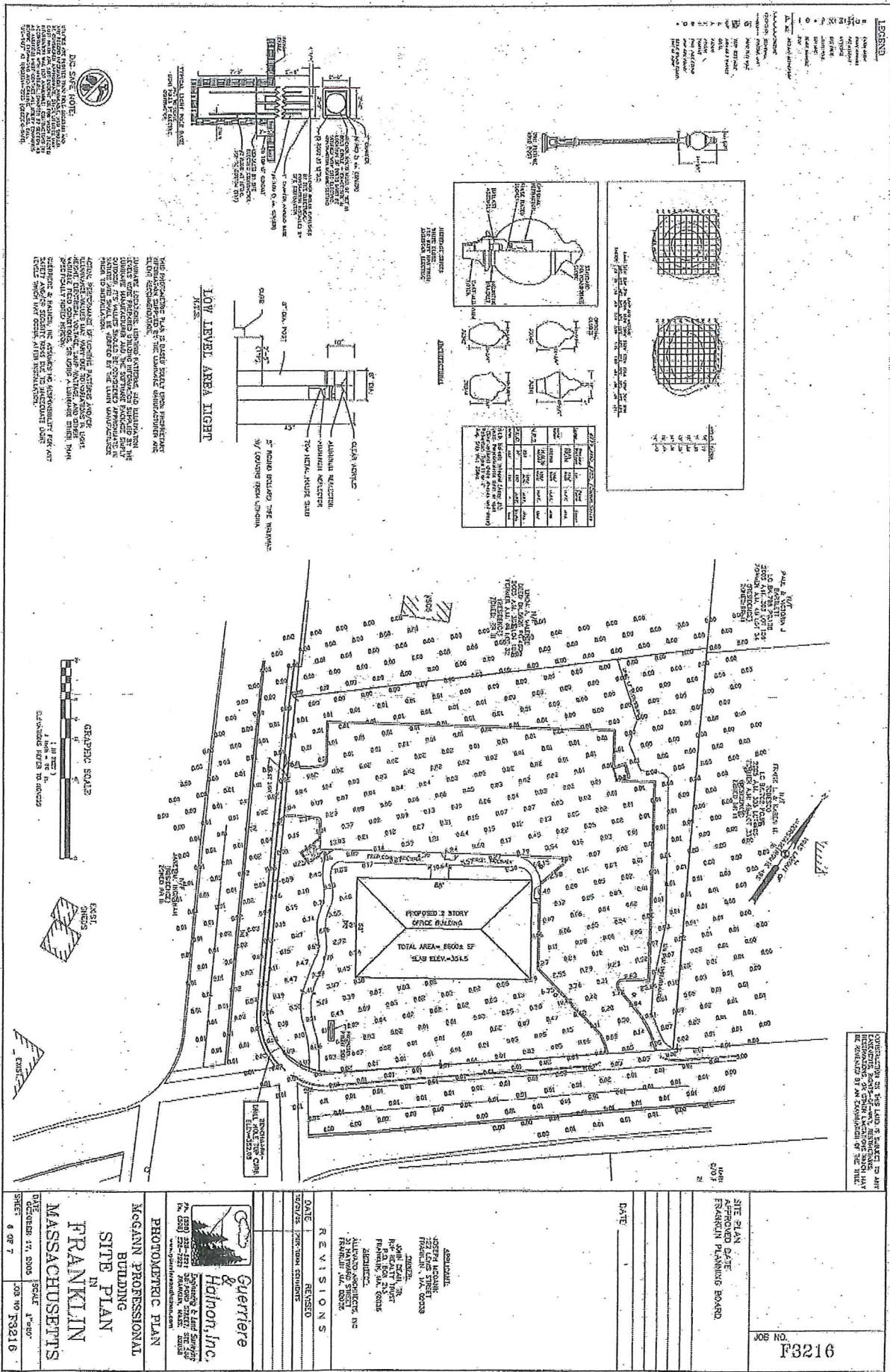


NOTES:
1. THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
2. THE DESIGNER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.
3. THE DESIGNER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.
4. THE DESIGNER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

- LEGEND**
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DATE: 10/21/2005		SCALE: 1" = 100'
SHEET: 4 OF 7		JOB NO. F3216
MASSACHUSETTS		
FRANKLIN		
SITE PLAN		
IN		
BUILDING		
McGANN PROFESSIONAL		
GRADING AND UTILITIES		
Guerriere & Helton, Inc.		
2000 Franklin Street, Suite 200, Franklin, MA 01701		
Tel: (508) 225-1211 Fax: (508) 225-1212		
www.guerrierehelton.com		
APPROVED: [Signature]		
DATE: 10/21/2005		
PROJECT: 100 Franklin Street, Franklin, MA 01701		
SHEET: 4 OF 7		



Guerriere & Halton, Inc.
 1000 Franklin Street
 Franklin, MA 01701
 Tel: (508) 251-1211
 Fax: (508) 251-1212
 www.guerriere-halton.com

PHOTOMETRIC PLAN

McGANN PROFESSIONAL BUILDING

SITE PLAN

FRANKLIN BUILDING

MASSACHUSETTS

DATE: OCTOBER 11, 2005
 SCALE: 1"=50'
 SHEET: 8 OF 7
 JOB NO: F3216

REVISIONS

DATE	BY	REVISION
10/11/05	JM	ISSUED FOR PERMIT

APPROVALS

JOSEPH MCANN
 PROJECT MANAGER
 FRANKLIN, MA 01701

JOHN HALTON
 PROJECT MANAGER
 FRANKLIN, MA 01701

ALAN GUERRIERE
 PROJECT MANAGER
 FRANKLIN, MA 01701

DATE

SITE PLAN DATE

FRANKLIN PLANNING BOARD

JOB NO.

F3216

2582

CORNETTA, FICCO & SIMMLER, PC

COUNSELLORS AT LAW
ESCROW ACCOUNT
4 WEST ST.
FRANKLIN, MA 02038
(508) 528-5300

**DEAN
BANK**
Franklin, MA 02038

53-7203-2113

EZShield® Check Fraud
Protection for Business

May 17, 2023

PAY TO THE
ORDER OF

Town of Franklin

\$

350.00

DOLLARS

00/100

*** Three Hundred Fifty *****

MEMO



[Signature]
AUTHORIZED SIGNATURE

Filing Fee ZBA

⑈002582⑈ ⑆211372035⑆ 2000267209⑈

CORNETTA, FICCO & SIMMLER, PC
ESCROW ACCOUNT

2582

DATE : May 17, 2023
CHE # : 2582
AMOUNT : \$350.00
ACCOUNT : 1
PAID TO : Town of Franklin

EXPLANATION : Filing Fee ZBA

CLIENT : Azulay-LaFever, Matt
MATTER : 023017

CORNETTA, FICCO & SIMMLER, PC
ESCROW ACCOUNT

2582

DATE : May 17, 2023
CHE # : 2582
AMOUNT : \$350.00
ACCOUNT : 1
PAID TO : Town of Franklin

**** GENERAL BALANCES ****

UNBILLED DISBS : 0.00
A/R BALANCE : 0.00

**** TRUST BALANCES ****

[Trust Acct 1] 2650.00

Filing Fee ZBA

CLIENT : Azulay-LaFever, Matt
MATTER : 023017
LAWYER : Richard R. Cornetta, Jr.
435 King Street, Franklin, MA

TRUST BALANCE : 2650.00